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Community Supervision, Housing Insecurity, & Homelessness

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Abstract

In recent decades, the United States has seen the simultaneous rise of mass incarceration and homelessness. The two crises interact with and worsen one another. Mass incarceration and homelessness are driven by the same structural factors and exacerbate one another in a feedback loop. People on community supervision face many barriers to housing, putting them at high risk of experiencing homelessness in the months following release. People experiencing homelessness are at heightened risk of criminal justice involvement, including violating the terms of their community supervision, for engaging in survival behaviors in public spaces. This paper presents evidence-based approaches to improving housing strategies for reentry populations, preventing homelessness among those in community supervision, and rehousing members of the reentry community experiencing homelessness. It concludes with recommendations for policymakers interested in improving housing outcomes and overall reentry success for people on community supervision.

Keywords

reentry; parole; probation; housing policy; criminal record

I. Introduction

In recent decades, the United States witnessed the simultaneous rise of mass incarceration and homelessness. The two crises interact with and worsen one another. These crises have disproportionately harmed people of color, particularly Black Americans, who are overrepresented in prisons and jails and are more likely to experience homelessness (Pettit and Western, 2004; U.S. Department of Housing and Urban Development, 2021). In 2018, there were 6.7 million people across the country under some form of correctional control; of these, 2.3 million people were incarcerated in prisons, jails, and other detention centers and 4.5 million adults were on community supervision under probation or parole (Jones, 2018).

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Though probation and parole usually occur after an incarceration, people on community supervision who break the rules of their supervision may be returned to prison or jail; in 2016, approximately 168,000 people were incarcerated for a technical violation of their probation or parole (that is, solely for breaking a rule related to their supervision, not a new crime) (Kaeble and Cowhig, 2018).

Alongside incarceration rates, homelessness rose dramatically in the United States since the 1970's and 1980's due to a confluence of factors, including the declining availability of affordable housing (U.S. Interagency Council on Homelessness, 2019), the increase in income inequality (U.S. Interagency Council on Homelessness, 2019), the ongoing deleterious impacts of structural racism on access to intergenerational wealth and housing for Black households (Los Angeles Homeless Services Authority, 2018), and the rise of mass incarceration (The Urban Institute, 2020). The last Point-in-Time (PIT) count, an annual count conducted by the U.S. Department of Housing and Urban Development (HUD) found 580,466 people experiencing homelessness in the United States on one night in early 2020 (Henry et al., 2021). HUD estimated that 39 percent of people experiencing homelessness during the PIT count were unsheltered (e.g., living outdoors, in abandoned buildings or in vehicles). The PIT count measures a moment in time and, as such, underestimates the number of people who experience homelessness over the course of the year.

In the United States, there are only 37 units of rental housing affordable and accessible for every 100 extremely low-income (ELI) households, defined as households making less than 30 percent of the area median income (National Low Income Housing Coalition, 2021b). Areas with the highest housing costs tend to have the lowest availability of ELI housing and the highest prevalence of homelessness. The economic disruption associated with the COVID-19 pandemic has led to increases in households facing potential eviction due to falling behind in rent (National Low Income Housing Coalition, 2021a).

The simultaneous rise in incarceration and homelessness is no coincidence, as both phenomena are driven by the same structural factors while exacerbating each other in a feedback loop: homelessness is a risk factor for criminal justice involvement (including incarceration), and criminal justice involvement (including a history of incarceration) is a risk factor for homelessness (Garcia-Grossman et al., 2021). Formerly incarcerated people are 10 times more likely than the general population to be homeless (Couloute, 2018), due to the scarcity of affordable housing options and housing assistance (National Low Income Housing Coalition, 2021b), public housing bans for certain criminal records (National Housing Law Project, n.d.), barriers to employment at reentry (Couloute & Kopf, 2018), restrictions from living with family or friends in public housing (National Academies of Sciences, Engineering, and Medicine, 2020), private housing market tenant screening procedures that trigger discrimination against tenants with criminal backgrounds (Evans, Blount-Hill, and Cubellis, 2019), discrimination against Black applicants who are disproportionately more likely to have criminal histories due to racially biased policies and policing/court practices (Turner et al., 2013), and overly restrictive community supervision conditions (Travis and Stacey, 2010). Researchers estimate that people experiencing

homelessness in the U.S. have high lifetime rates of incarceration, with estimates ranging from 20–70 percent (Garcia-Grossman et al., 2021).

Housing is arguably the most important element of reentry. Housing is foundational for stability in which to reintegrate and for avoiding further law enforcement contact associated with homelessness. Housing is critical to employment, substance use recovery, and successfully completing parole or probation—all critical for reentry. As part of the Urban Institute’s “Returning Home” study, researchers found that people returning from prison view housing as a vital, if not *the* most vital, element of successful reintegration after incarceration (La Vigne, Visher and Castro, 2004). Given housing’s centrality to successful reentry and the myriad barriers to housing experienced by formerly incarcerated people, policies aimed at preventing and ending homelessness for criminal justice-involved populations are of great importance.

II. Empirical facts about community supervision and homelessness

- *Formerly incarcerated people in the United States are almost ten times more likely than the general public to experience homelessness* (Couloute, 2018). This is especially so for people with a history of more than one incarceration, who were recently released from prison, are Black or Latinx, and/or are women (Remster, 2021). People with more than one incarceration are especially vulnerable to homelessness: those who have one prior incarceration are seven times more likely than the general population to become homeless, while people with multiple prior incarcerations are 13 times more likely to experience homelessness (Couloute, 2018).
- *Formerly incarcerated people experience high rates of homelessness and housing insecurity, including unsheltered and sheltered homelessness, and reliance on marginal housing like boarding houses, hotels, or motels* (Herbert, Morenoff and Harding, 2015). For every 10,000 formerly incarcerated people, 570 experience housing insecurity of some kind, as compared to 21 people per 10,000 for the general public. Of the formerly incarcerated people experiencing housing insecurity, 105 per 10,000 are unsheltered (sleeping on the street, in cars, etc.), 98 per 10,000 are living in a shelter, and 367 per 10,000 are marginally housed in a facility like a boarding house, motel, or hotel (Couloute, 2018).
- *Homelessness is a risk factor for incarceration and recidivism*. Up to 15 percent of people currently incarcerated in prisons and jails were homeless in the year leading up to their incarceration (Couloute, 2018). Relatedly, people are more likely to recidivate (by committing a new crime or violating the conditions of their community supervision) if they do not receive housing and wraparound service support following their release from prison or jail (Lutze, Rosky and Hamilton, 2014).
- *People experiencing homelessness have higher rates of physical health morbidity and higher rates of premature mortality than the general population*. Research shows that people experiencing homelessness have worse physical health and

higher rates of mortality than the general public (Fazel, Geddes and Kushel, 2014). Morbidity and mortality are associated with factors contributing to homelessness (e.g., early life poverty, substance use, mental illness) as well as factors resulting from homelessness. Worsened physical health is associated with poor nutrition, exposure to infectious diseases, living environments, accidental injuries, victimization, and substance use including alcohol and tobacco (Fazel, et al., 2014; Tong et al., 2019). Excess mortality is due to infections (e.g., HIV, HCV, tuberculosis), heart disease, unintentional injuries, substance use and overdose, suicides, and homicides (Fazel, et al., 2014). During the pandemic, homelessness has been associated with an increased risk of acquiring and transmitting COVID-19 (Hsu et al., 2020). These issues are worsened by limited access to healthcare and challenges obtaining and adhering to medication (Zlotnick, Zerger and Wolfe, 2013).

- *People experiencing homelessness have higher rates of psychiatric and substance use disorders, which contribute to, and are exacerbated by, homelessness.* When compared to the general population, homeless populations have higher prevalence of traumatic brain injury, psychosis, depression, personality disorder, drug and/or alcohol dependence, and post-traumatic stress disorder (Fazel et al., 2008; Fazel et al., 2014).
- *The homeless and incarcerated populations are aging.* For both populations, the proportion of older adults is increasing overall and both populations experience “accelerated aging,” or “weathering,” where socioeconomic stressors, limited access to healthcare, and exposure to adverse conditions causes individuals to physically age in ways that mirror people 10–20 years older in the community (Brown et al., 2012). Older adults and those experiencing accelerated aging present higher levels of chronic illness, geriatric syndromes, and functional impairment, and homeless older adults are at risk of experiencing violent victimization (Tong et al., 2019). Older homeless adults who have been chronically homeless throughout their adulthood experience higher rates of mental health and substance use issues than people who first become homeless late in life (Brown et al., 2012; Garcia-Grossman et al., 2021).
- *Physical and sexual victimization are common experiences for people experiencing homelessness, especially for homeless women and transgender persons* (Kushel et al., 2003; Tong et al., 2019). High rates of violent victimization may be due to overlapping risk factors for victimization and homelessness, including histories of past victimization, mental illness, substance use, and limited social support (Tong et al., 2019). The experience of homelessness is characterized by instability, lack of privacy, and lack of control over one’s surroundings – all of which contribute to the risk of victimization (Kushel et al., 2003).
- *Unemployment or unstable employment contribute to homelessness, while homelessness is itself a barrier to employment – all of which is worsened by a criminal record or history of incarceration.* Formerly incarcerated people

experience barriers to employment, including atrophied job skills, large gaps in employment history, broken professional networks, spatial mismatch, and the stigma associated with a criminal record, and thus experience heightened rates of un- and underemployment. Homelessness makes obtaining and maintaining employment even more difficult for formerly incarcerated people by creating new logistical barriers (e.g., lacking a location to shower, a lack of a permanent address for job applications) and placing people in jeopardy of violating their probation or parole for a failure to maintain employment (Zatz et al., 2016).

- *The relationship between homelessness and criminal justice involvement is bi-directional*, wherein being homeless increases the likelihood of criminal legal involvement, and entanglement with the legal system increases the likelihood of a person becoming homeless or experiencing housing insecurity. For people on community supervision, their parole or probation status may create barriers to housing. In turn, people on parole or probation experiencing homelessness are at heightened risk of violating the conditions of their supervision and being returned to prison or jail.

III. Criminal justice involvement increases housing insecurity and contributes to homelessness

Following release from prison or jail, people on community supervision may be placed in transitional or halfway housing (discussed in depth in the following section) or live with family, significant others, or friends. Those without these options must compete with people with higher incomes and without criminal backgrounds for scarce affordable housing. These barriers worsen the crisis in affordable housing for low-income Americans (National Low Income Housing Coalition, 2021b). The housing crisis is most pronounced for extremely low-income households, or those with income at or below the poverty line *or* at 30 percent of the area median income (National Low Income Housing Coalition, 2021b). Of the 44 million renter households in the United States, 10.8 million are ELI, resulting in an absolute shortage of 3.4 million affordable rental homes (National Low Income Housing Coalition, 2021b). People of color are more likely to be ELI renters, with 20 percent of Black households, 18 percent of Native American households, 14 percent of Latino households, and 10 percent of Asian households being ELI, as compared to 6 percent of non-Latino white households (National Low Income Housing Coalition, 2021b). People with at least one prior incarceration are significantly more likely to be ELI than those with no histories of incarceration, due to pre-incarceration poverty and barriers to economic self-sufficiency after release (Looney and Turner, 2018).

Housing assistance scarcity and bans for certain criminal records

The primary options for housing assistance are project-based public housing and Housing Choice Vouchers (sometimes referred to colloquially as “Section 8”), both managed by Public Housing Authorities (PHAs). Public Housing refers to project-based housing where qualifying residents live and pay 30 percent of household income towards rent, with the rest subsidized. Housing Choice Vouchers provide a voucher for use on the private

housing market which, with some restrictions, provide a subsidy limiting the household's contribution to 30 percent of their income (U.S. Department of Housing and Urban Development, 2006). There is an inadequate supply of both Public Housing and Housing Choice Vouchers, such that only one-quarter of households who meet criteria receive these subsidies. However, people with criminal records may face additional barriers to accessing these.

During the 1990s, Congress passed legislation to ramp up crime prevention and drug enforcement policies in public housing by increasing penalties for these activities and increasing PHA's discretion in accepting applicants. In 1996, amidst additional legislation encouraging exclusion from public housing for people with criminal records, HUD issued a "One Strike Guide" that encouraged PHAs to conduct criminal background checks for all applicants and to develop their own rules around rejection, including the ability to reject applicants the PHA suspected of active or past substance use. The Second Chance Act of 2007 required HUD to walk back these One Strike policies; however, the extent to which local PHAs and project owners have revised their One Strike policies varies widely across the country. To date, there is a permanent ban on admission to public housing, voucher programs, and project housing for people who fall into one of two categories: anyone with a past conviction for methamphetamine production on public housing property and anyone required to register under state sex offender *lifetime* registration laws; PHAs and owners must also deny admission to applicants who are currently using illegal substances (42 U.S.C. § 1437). PHAs and project owners are given discretion over whether to admit applicants with histories of drug-related criminal activity, violent criminal activity, crimes that threaten the "health, safety, or peaceful enjoyment" of other tenants (National Housing Law Project, n.d.). People with prior evictions from federally assisted housing for drug-related activity experience a three-year ban on admission to public housing, the voucher program, and project-based Section 8 housing "unless [the] applicant is rehabilitated" (24 CFR § 982.553), suggesting that evidence of drug treatment program completion or other certificates of rehabilitation could help overcome this barrier; however, the effectiveness of certificates of rehabilitation depend on their accessibility and the extent to which PHAs and owners find them credible (Jacobs, 2015).

Housing with family and social supports

People on community supervision may return from prison or jail to live with family or other social supports. People tend to reenter to communities that are economically disenfranchised, and economic and housing precarity has only increased following the COVID-19 pandemic, especially for Black and Latino households (National Academies of Science, Engineering, and Medicine, 2020). Beyond financial challenges around making rent and avoiding eviction, families renting housing with or without subsidies are limited to the number of people living in a rental unit. There are even barriers to short-term stays, as families in subsidized housing cannot host non-leaseholders in their home for more than 14 days in a row or 21 days annually (National Academies of Science, Engineering, and Medicine, 2020). PHAs may also disallow people with records from being added to the household's lease, placing them in jeopardy of losing the housing if something happens to others on the lease.

Many community supervision jurisdictions have parole or probation conditions that limit who the parolee or probationer can associate with (e.g., rules against associating with other people with felony records, affiliated gang members, or the victims of past crimes). These supervision conditions can block people from accepting stable housing options with family or friends, even if the family or friend is willing to house them within the policy limitations outlined above.

Tenant screening: Stigma, lookback periods, and third-party screenings

People on community supervision who are unable to live with social supports (or are attempting to join a lease) and are not placed in a transitional housing facility or “halfway house” will likely rely on the private housing market. For these renters (including those enrolled in Housing Choice Voucher programs), tenant screening procedures may prevent justice-involved people from securing housing. Criminal records are accompanied by stigma, as the record itself, not the underlying conduct it reflects, triggers stereotypes and discrimination. Within policy and scholarship alike, criminal record stigma is most often discussed in relation to employment and hiring, but stigma is also associated with housing discrimination. People with criminal records are less likely to be considered for tenancy than people without records, and people enrolled in the voucher program experience the compounded effect of both criminal record stigma as well as stigma against HCV recipients (Evans, et al., 2019).

HUD has screening policies all PHAs must follow, but individual PHAs can impose additional screening policies. Because PHA screening policies vary across jurisdictions, tenants receiving housing assistance from one PHA may not be able to move to a new jurisdiction and receive assistance under the new PHA (National Low Income Housing Coalition, 2020). Lookback periods, or rules around how recent criminal history information must be to be considered by a PHA or project owner, also vary across jurisdictions. Though HUD provides PHAs with suggested limits on lookback periods for certain crimes, many PHAs consider record information as far as 20 years back. According to National Low Income Housing Coalition, “often, landlords will not even examine what triggers a denial screening, so they treat something like trespassing or shoplifting the same as a violent crime because they do not bother to research the actual infraction” (National Low Income Housing Coalition, 2020).

Under the Obama administration, HUD issued a rule attempting to prevent PHAs and owners of subsidized housing from automatically rejecting applicants with criminal records. However, despite this rule, HUD’s guidance for PHAs and project owners is vague and allows for broad discretion in approving or rejecting applicants (National Low Income Housing Coalition, 2020). What is more, landlords increasingly rely on private companies for background checks, whose databases may involve incomplete, outdated, or inaccurate information (Lageson, 2020). In addition to background checks, credit checks, high security deposits, proof of employment, references, and other application requirements may be barriers to people who have been out of the community and labor market due to incarceration (Couloute, 2018).

Community supervision as a barrier to housing

Lastly, community supervision itself can function as a barrier to stable housing. Early iterations of community supervision, particularly parole, required the supervising agent to help the people on their caseload obtain housing and employment. Recent eras have seen a shift away from these more “social service”-oriented duties toward an emphasis on surveillance and risk management. To aid agents in their surveillance of their caseload, people on parole and probation are subject to an increasing number of standard and specialized conditions. These conditions place competing (and sometimes conflicting) demands on parolee and probationer’s time, energy, and resources, requiring them to prioritize which conditions they satisfy (Travis and Stacey, 2010). Should they fail to meet these conditions, their supervisory agent may revoke their parole or probation, potentially resulting in incarceration.

Policies around housing plans as required for release from prison vary widely across jurisdictions, and individual parole or probation officers have broad discretion in what type of housing assistance they provide and what rules they enforce. For people on community supervision who cannot live with personal ties, community supervision agencies rely on traditional forms of transitional or “halfway” houses, sometimes run by correctional agencies, but most often run by private for- or non-profit agencies who may then be contracted with the correctional agency. These traditional forms of transitional housing often have their own facility rules, which sometimes duplicate or even eclipse the conditions of a person’s parole or probation. When transitional housing involves mandated programming, the programming may conflict with other conditions of parole or so restrict people’s time that searching for work or permanent housing becomes challenging.

When working as intended, parole and probation conditions may provide helpful structure and boundaries for navigating reentry out of prison or jail; however, the restrictions imposed by these conditions often conflict with the needs of unstably housed people under community supervision. If people fail to uphold the conditions of their supervision, their supervision may be revoked, and they may return to prison or jail. Violations and reincarcerations disrupt any stability (residential, employment, etc.) that people have built and increase the likelihood of returning to homelessness following the next release from jail or prison.

Missed opportunities for homelessness prevention at discharge from prison or jail

In the period leading up to a person’s release from prison or jail, correctional institutions, in conjunction with external service providers or community correctional officials, create targeted plans for the period immediately following release. Across jurisdictions, there is much variation with regard to how far before release discharge planning begins and what services are included. Despite this variation, discharge planning typically includes individualized assessments of the incarcerated person’s needs at release and a written release plan (La Vigne et al., 2008). Risk and needs assessments may cover a range of needs including housing, employment, medical needs, identification documents, income, and benefits.

A study by the Urban Institute found that, while 72 percent of state Departments of Corrections assess people's housing needs prior to release and 63 percent have formal policies ensuring that *some* released people have housing, less than 25 percent ensure that *all* incarcerated people have adequate housing at the time of release (La Vigne et al., 2008). If discharge plans do not include housing, the task of housing placement falls to the individual or their probation or parole officer. Probation and parole agencies often consider their role as beginning *after* a person has been released from jail or prison (rather than as beginning with preparation for release during incarceration), resulting in a gap in what otherwise could be a more collaborative effort in identifying appropriate housing options for people at risk of homelessness at release. These gaps may widen in jurisdictions with fewer community service providers who may otherwise assist with housing placement, or in jurisdictions with weak collaborative relationships across entities.

IV. Homelessness increases likelihood of criminal justice contact and recidivism

Just as criminal justice involvement, including community supervision and possession of a criminal record, contribute to homelessness and housing instability, homelessness increases the likelihood of entanglement with the criminal justice system.

Most notably, survival behaviors including but not limited to sleeping, sitting on sidewalks, and urinating are often criminalized when they occur in a public space rather than a private domicile. These behaviors are criminalized under what is often referred to as "Quality-of-Life Policing," a method of law enforcement based on "broken windows theory" – an outdated criminological theory that has been repeatedly disproven by researchers (O'Brien, Farrell and Welsh, 2019). Broken windows theory suggests that crime or other visible evidence of "disorder" (like broken windows) encourages additional disorder and crime; when guided by this theory, law enforcement use tactics such as New York City's Stop and Frisk, arrests, or citations to target minor crimes in the name of public order. Evidence suggests that crime reductions once associated with Quality-of-Life Policing are likely attributable to other policies or factors (Harcourt, 2001). Research has demonstrated that these styles of policing are often driven by racial and/or class bias, unequally targeting poor people of color, including those that are homeless (Herring, Yarbrough and Marie Alatorre, 2019).

Because people experiencing homelessness and their behaviors are more exposed, criminalized survival activities may be observed by or reported to police and result in citation or arrest. Even when these police encounters result only in a ticket (rather than arrest), people may be unable to pay the associated fine or struggle to appear in court due to the chaotic nature of their daily lives; failure to pay or appear likely then result in incarceration. Should people use drugs or drink alcohol, these behaviors are more exposed and may draw the attention of law enforcement. A lack of accessible public restrooms may contribute to instances of public urination, defecation, or drug use, further exposing people experiencing homelessness to law enforcement contact. Further, in the absence of employment, people experiencing homelessness may trespass to find an adequate space to

sleep or engage in petty theft to meet their most basic needs – two activities that, though necessary for the person’s survival, are illegal. Any person on parole or probation who has police contact must report the incident to their supervising agent, making them vulnerable to revocation and reincarceration. An arrest and conviction for a new crime will almost certainly result in reincarceration.

Further, while many people on community supervision find meeting the obligations of their supervision challenging, homelessness makes adhering to requirements of probation or parole even more difficult. As described above, community supervision imposes many competing obligations and restrictions, often including reporting requirements, mandated programming, employment, etc. Because of the chaotic nature of the experience of homelessness, people experiencing homelessness are more likely to miss required appointments or other obligations than stably housed supervisees. This is in addition to the parole and probation requirement that the supervisee avoids police contact or other forms of criminal legal entanglement.

V. Evidence-based housing approaches to preventing and ending homelessness

Efforts to end homelessness for formerly incarcerated people should address all aspects the homelessness continuum: a) identifying people at risk of homelessness and preventing homelessness from occurring; and b) providing rehousing solutions without barriers to entry for people that experience homelessness with an eye toward the unique barriers faced by people on community supervision.

Homelessness prevention: “Closing the front door” to homelessness

- *Discharge or release planning in prisons and jails.* An integral part of preventing people on community corrections from entering homelessness is ensuring that they do not leave prison or jail without housing. Effective discharge plans take a Housing First approach (discussed more below) and prioritize housing placement as essential before release (Backer, Howard and Moran, 2007). The discharge planning phase provides an opportunity for housing or homelessness prevention interventions and assistance from community service providers; effective discharge planning processes will actively include the reentering person’s community supervision agent, as well as any relevant housing or other community service providers (La Vigne et al., 2008).

In addition to discharge plans, Idaho provides monetary stipends for incarcerated people who lack financial support and are determined to be at risk of homelessness at release; case workers identify the need and work collaboratively with probation or parole officers to identify housing, establish a release date with the parole board, and directly pay service providers or landlords for the individual’s housing.

- *Connect community-based service providers to people on community supervision.* Even with effective Housing First discharge planning in prisons and

jails, some people on community supervision will likely still experience housing instability and require housing services, as even people discharged to live with family or in a halfway house are at very high risk of becoming unhoused. To target this population, parole and probation officers can connect the people they work with to potential service providers, as California does with their Parole and Community Together meetings, or by allowing community service providers to conduct outreach onsite at parole or probation offices. Alternatively, programs like New York City's HomeBase program's multiple local offices coordinate referrals to homelessness prevention services. Additionally, HomeBase provides direct assistance to prevent clients from losing existing rental subsidies and keep their housing (Shinn and Cohen, 2019). Research has found that HomeBase prevented shelter use and reduced homelessness (Goodman, Messeri and O'Flaherty, 2016).

- *Eviction prevention programs.* Eviction prevention programs include different forms of financial assistance, legal assistance, or tenant/landlord mediation, with the strongest evidence showing the efficacy of financial assistance programs (like Chicago's Homelessness Prevention Call Center) in preventing eviction and homelessness (Shinn and Cohen, 2019). However, these programs may favor people determined to be at lower risk of chronic homelessness and may not always have funds available to distribute. Programs like HomeBase, described above, also help prevent eviction or assist with relocation when necessary (Shinn and Cohen, 2019).
- *Permanent deep rental housing subsidies.* The most effective form of homelessness prevention is through the provision and funding of permanent, deep rental housing subsidies such as the Housing Choice voucher (HCV) program, discussed in depth in the section below. An experimental study of HCVs found that families who were offered vouchers were much less likely to experience homelessness than families who were placed on a waitlist, and 67 percent of families who used their vouchers to lease housing avoided homelessness completely (Wood, Turnham and Mills, 2008).

Creating pathways out of homelessness

Just as personal ties are a primary form of housing for people immediately following release from prison or jail, they too are the primary pathway of interrupting or exiting homelessness for many individuals (Bush and Shinn, 2017). However, incarceration is linked to weakened social ties due to economic, legal, and emotional barriers to maintaining relationships in prison (Western et al., 2015) – the very same relationships that are critical for both material and emotional support at reentry, and that provide this major pathway out of homelessness. If people on community supervision cannot live with someone in their personal network and are unable to gain access to the rental housing market, there are several additional alternative housing solutions beyond traditional transitional or halfway houses and that move beyond linear approaches to homelessness assistance.

Early in the modern era of homelessness, approaches to end homelessness were linear: individuals would start with emergency shelter and then move, based on their adherence to rules, through a progression (shelter to long-term shelter to transitional housing to housing) to permanent housing. This model failed to house the vast majority of those experiencing homelessness. It has been replaced, in the last two decades, with an evidence-based policy Housing First, where providing people experiencing homelessness with permanent housing is prioritized as a way to immediately end their homelessness and to facilitate meeting other needs like employment or substance use support (National Alliance to End Homelessness, 2016). While Housing First approaches are accompanied by voluntary supportive services, participation is not required as a condition of housing. Once basic needs such as food and housing are met, people can then begin attending to other necessary elements of their reentry. While supported by evidence, limited resources and continued political backlash have lessened the implementation of Housing First policies.

Currently, homeless systems are organized via regional or local planning bodies called “continuum of care” (CoCs) that coordinate housing and homelessness services (National Alliance to End Homelessness, 2010). In many places CoCs are contiguous with counties, though rural areas may have multiple counties in a CoC and some large urban areas have more than one CoC within a county. CoCs prioritize people for services using coordinated entry systems – a centralized system to assess risk for homelessness and prioritize service recipients. Many systems include history of incarceration or current community supervision in their coordinated entry scoring, aiming to give priority to those with a criminal record, in recognition of the hurdles that they may face in securing housing. People who were homeless at the time of incarceration, meet the criteria for chronic homelessness, and have no alternative housing options at release may be eligible for PSH (U.S. Interagency Council on Homelessness, 2019).

- *Permanent supportive housing* (PSH) is the current “gold standard” approach to homelessness assistance for those with long-standing homelessness (chronic homelessness) with behavioral health conditions (or other significant barriers to housing). It has been used successfully for individuals exiting prison and those with frequent arrests. In PSH, people receive subsidized housing with no end date (“permanent”) for which individuals are leaseholders. PSH, which may be project-based or scattered site, includes access to voluntary services, including case management, vocational services, substance use, mental health and medical treatment. While service intensity varies with the program, the services are offered voluntarily, and housing does not depend on individuals accepting them (U.S. Department of Housing and Urban Development, 2014). Research demonstrates that Housing First approaches allow people to achieve housing stability and exit homelessness more quickly than other responses to homelessness and helps to break the homelessness-jail cycle (Raven, Niedzwiecki and Kushel, 2020; The Urban Institute, 2021). PSH targeted towards those with multiple arrests not only successfully housed individuals, but decreased re-arrests, compared to those randomized to usual care (The Urban Institute, 2021).

- *Rapid rehousing programs (RRPs)* provide short-term housing assistance combined with intensive service provision, intended to stabilize previously homeless people as they pursue employment, independent housing, and other needs. RRPs generally include at least three core services, including housing identification services, financial assistance for expenses related to housing (either full or partial subsidies), and case management services (Cunningham, Gillespie and Anderson, 2015). These services are intended to address the immediate barriers to housing, allowing people to restabilize and find employment. Once tenants have secured an independent source of income, they no longer receive financial subsidies. To date, research has provided mixed results as to the efficacy of RRPs in improving long-term housing stability. Results from HUD's three-year Family Options Study found that families in RRPs fared similarly as families receiving traditional homelessness interventions and less well than those who received long-term subsidies (i.e., housing choice vouchers) without other services (Gubits et al., 2016). Rapid rehousing programs are most appropriate for individuals or households who are likely to be able to increase their income enough to continue housing.
- *Housing Choice vouchers* are the primary method of federal housing assistance for very low-income families, older adults, and people with disabilities seeking private market housing. While research has demonstrated that vouchers are effective in stabilizing tenants and reducing future homelessness, demand for vouchers far outpaces the supply. Though the Biden administration has noted potential expansion of the program (as well as changes to its funding structure), currently only one in four people that qualify for the subsidies receives them. Waitlists have been closed for some time. Additionally, vouchers are restricted to the person's county of residence, so an otherwise eligible person in a county with high voucher demand cannot seek vouchers in a nearby county where they may be more accessible – a conflict that may prohibit people on community supervision in one county from utilizing a voucher they have received in a different county. Further, because vouchers are used on the private rental market, rental prices may pose another challenge, as the ultimate cost of housing is dependent on the regional rental market. Private landlords may discriminate against people with vouchers; this discrimination, combined with the stigma of a criminal record, may constrain applicants' housing choices.

VI. How can policy help?

There are several areas where policy can intervene to address the issues detailed above:

- *Formalize release planning policies in prisons and jails and provide resources to do so.* State and local correctional institutions should assess the housing needs of all incarcerated people exiting their facilities, including, at minimum, options for the first 24 hours following release, as well as long-term housing. If people are being placed in a transitional facility or other setting outside of a private residence, reentry coordinators should ensure that bed space is

open. Correctional departments are increasingly relying on externally contracted or nonprofit organizations to fulfill these duties; however, state and local departments themselves should own the responsibility of identifying housing needs and appropriate placement to prevent gaps in release planning and ensure placement while working collaboratively with community corrections and community service providers to identify housing. Including community supervision agents in this process will further ensure that incarcerated people have safe places to sleep their first night after release, while helping to plan for long-term options. Correctional institutions could fund positions for housing coordinators or other release planning specialists with housing expertise. States or local jurisdictions could also allocate funds for incarcerated people being released without financial support.

- *Prioritize criminal justice-involved populations for intervention within coordinated reentry.* Implement standardized methods for identifying the housing needs and risk of homelessness for populations on probation and parole and prioritize past incarceration or community supervision status as an eligibility criteria for service receipt. Require community supervision agencies to work collaboratively with community service providers to conduct targeted outreach to at-risk probationers and parolees.
- *Fund permanent supportive housing programs and prioritize criminal justice populations for placement.* Permanent supportive housing programs are considered the gold standard by homelessness and housing scholars and advocates for providing an exit from homelessness. By expanding PSH programs, departments of corrections, local jails, and community supervision agencies could utilize PSH facilities as the primary method of housing people without personal private housing following their release from prison or jail. The criminal legal system continues to rely heavily on traditional forms of halfway housing that function as extensions of the carceral system, in that they are time limited, involve mandated/coerced treatment or programming, and where the failure to adhere to numerous rules may threaten someone's standing on probation or parole.

PSH programs will allow people to acclimate back into the community by removing the financial strain of housing while people search for employment, but without adding additional burdens associated with coercive programming or other rules that conflict with or move beyond the conditions of their parole or probation. Access to voluntary services allows tenants to engage in relevant services that meet their needs and wants, improving the likelihood of success without requiring attendance in irrelevant or redundant programming.

PSH placement occurs through coordinated reentry, a system that attempts to discern who is most at risk among people experiencing homelessness. Because waitlists for PSH programs are long, PSH should be targeted to individuals being released from prisons or jails who are at risk of homelessness and would benefit from the program. Expanding PSH availability is essential but ensuring that

formerly incarcerated people benefit requires prioritization of this population and allocation of units. Prison and jail discharge planners and community corrections officials should work directly with homeless systems and PSH providers to further facilitate the placement process.

- *Expand and fully fund the housing choice voucher program.* The Biden administration has proposed both expanding and potentially even fully funding the Housing Choice Voucher program. This approach would expand the reach of an intervention that, while extremely effective, is severely limited in terms of who can access vouchers. Policymakers should expand the program to an extent that existing waitlists are cleared, and all qualified applicants are able to obtain a voucher in their county of residence.

It is important to note, however, that simple expansion and funding of this program alone will not necessarily help formerly incarcerated people obtain housing, even if they are now able to obtain a voucher. Discrimination against applicants with vouchers, as well as discrimination against people with criminal records, will persist even with the expansion of the voucher program. “Ban the Box” legislation has found some success in removing barriers to employment resulting from criminal record stigma, by removing requirements that applicants report their criminal background and requiring employers to delay background checks until after an offer of hire has been relayed to the applicant. Despite the success of the “Ban the Box” movement in employment, housing has remained relatively unaffected. Some cities have pursued Fair Chance Housing laws (largely in the wake of the 2017 Fair Housing Act) to reduce landlord discrimination, but face barriers to implementation, especially around enforceability (an issue that also plagues employment-focused Ban the Box laws). As such, the information landlords obtain through background checks must be better regulated to ensure the accuracy of this information and to protect the confidentiality of expunged records.

- *Require PHAs and project owners to revise ‘one-strike’ policies.* In addition to insufficient voucher access and landlord discrimination, outdated “One Strike” policies still exist at local levels that outright bar people with certain convictions from public or subsidized housing. Despite the well-intentioned 2017 HUD guidance encouraging local PHAs and project owners to revise old One Strike policies from the 1990’s, these policies often still remain. Policymakers could provide additional oversight and assistance to local PHAs and project owners to ensure that policies align with contemporary standards. Fair Chance Housing laws could be implemented in additional jurisdictions, again with additional oversight and assistance for implementation. Blanket bans on tenants suspected of using drugs should be prioritized for removal, as this is unrelated to criminal convictions, endow PHAs or project owners with broad discretion around what they perceive as tenant drug use, and may negatively impact their probation or parole and conditions around drug or alcohol use.

- *Regulate private background check companies.* While policymakers work to remove other systemic barriers to housing (e.g., expanding the voucher program, ensuring that PHAs and project owners revise One Strike policies), one way to begin to address housing discrimination against applicants with criminal records is to address the growing economy of private vendors of criminal records. The federal government could provide oversight by licensing background check companies, much like federal regulation of private credit check companies, and should disallow the sale of criminal records to private vendors – especially for arrest records, as arrests do not always lead to convictions or incarcerations.

In addition to databases with inaccurate or outdated information, private background check companies sometimes charge a fee to remove photos or information from their website, draining money from formerly incarcerated people while the information likely continues to exist in other private repositories. Policymakers could pursue legislation like the European Court of Justice’s 2014 ruling about the “right to be forgotten online,” which allows citizens of the EU to request that search engines themselves remove links with outdated, inaccurate, or non-conviction (i.e., arrest) criminal background information (European Commission, 2016), though this ruling was ultimately superseded by the European Data Protection Regulation and the “right to be forgotten” was replaced by a more limited “right of erasure.” While this approach does not remove the original source of the data, the problematic information is less accessible to landlords who may search for that information themselves rather than through a private background check company.

- *Require departments of corrections or community supervision entities to revisit standard conditions of parole & probation* to eliminate those unrelated to public safety, those that coerce treatment or programming, and those that create undue burdens on reentering populations, especially in ways that might impede their ability to search for and obtain housing.
- *Encourage law enforcement agencies and other criminal justice entities to refrain from arresting, convicting, or incarcerating people for “quality of life” crimes or survival activities.* If people are found to have police contact related to these activities, probation and parole entities should not revoke or extend the individual’s parole or probation supervision. In turn, policymakers can pursue “Right to Rest” legislation like that introduced in California, which allows people experiencing homelessness to use public spaces and decriminalizes behaviors like sleeping in public, as well as creates the potential for restitution for people who have experienced certain forms of prior punishment for these survival activities.

VII. Conclusion

Housing is foundational to people’s ability to meet basic survival needs. For those who have been incarcerated, housing is essential to the successful completion of community supervision and avoidance of further criminal justice contact, including reincarceration.

Despite the importance of housing in successfully navigating parole or probation, people on community supervision face barriers to housing and may become caught in the jail-homelessness cycle, wherein a history of incarceration increases their likelihood of experiencing homelessness, and vice versa. To address homelessness for people on community supervision, policymakers should pursue policies that prevent homelessness while funding evidence-based solutions to permanent housing as a pathway out of homelessness.

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