

FAIR CHANCE for HOUSING



Ending housing discrimination against people with arrest & conviction records

OUR PRIORITIES

- Eliminate housing providers' use of background checks to protect people with conviction records from discrimination.
- Prohibit housing providers from advertising that they will not accept people with conviction histories.

We use the term “housing providers” to mean landlords, real estate brokers, rental agencies, management companies, and other lessors.

THE SIGNIFICANCE

Everyone deserves a place to call home. Housing is a fundamental human need that lays the foundation for success in every aspect of our lives.

Housing provides a springboard for success and a crucial foundation for individual and family well-being.¹ Improving access to stable, affordable, and quality housing substantially increases the likelihood that a person leaving prison or jail will be able to connect with new or existing family support, find and retain employment, and build supportive relationships. This, in turn, strengthens our communities.²

THE PROBLEM

More people than ever must contend with the fallout of having a conviction record. In September 2018, the incarceration rate of the United States of America was the highest in the world, at 655 per 100,000 of the national population. While the United States represents about 4.3 percent of the world's population, it houses around 19.7 percent of the world's incarcerated people.³ In New York State, 6,958,700 people have an arrest or conviction record -- that's 45% of the adult population.

Our mass policing, arrest, and incarceration policies have disproportionately targeted communities of color. As a result, 1 in 3 African-American adult men has a felony conviction in the United States.⁴ The racial disparities in incarceration are particularly stark in New York City, where 90 percent of people in jail are African-American or Hispanic.⁵

Mass incarceration is related directly to economic inequality and homelessness. Research shows that incarcerated people in all gender, race, and ethnicity groups earned substantially less *prior* to their incarceration than their non-incarcerated counterparts of similar ages.⁶ Also, in the year following discharge from New York City Department of Correction custody, 80 percent of people leaving Rikers enter the Department of Homeless Services (DHS) shelter system for at least a day. Shelter and unregulated “three-quarters” housing are costly⁷ and inadequate – they are not a sufficient solution to homelessness, and they perpetuate generational poverty.⁸

New Yorkers believe that once someone has served their time, we should stop punishing them. We have made substantial progress in reducing the perpetual punishment of people with conviction records in higher education through Ban the Box—both the State University of New York (SUNY) and the City University of New York (CUNY) do not ask applicants about their conviction record.⁹ We’ve also made progress in reducing discrimination in employment through the Fair Chance Act, which makes it illegal for most employers to ask about the conviction record of job applicants before making a job offer.¹⁰ Yet in most housing, perpetual punishment remains rampant. This perpetual punishment not only impacts individuals, but also their family for generations. Conviction record history should be a history and not a life sentence.¹¹

Research shows that a conviction reduces the probability of landlords allowing prospective tenants to view an apartment rental by more than 50%.¹² Additional research shows that real estate brokers similarly reject customers with conviction records.¹³ The rejection rates varied little even for applicants with less serious convictions.

The use of background checks in housing impacts whole families. In the words of formerly incarcerated women:

“Coming home, my fear was being homeless. I had no family to go to. My brother was living in a senior citizen complex and all my sisters lived out of town, except for one who was active. I was crazy with trying to find something. My P.O. said, “Can you get a one bedroom?” But ACS said no because if I got a one bedroom I couldn’t have my children for the weekends. There’s a lot of stuff to do to be in compliance with the family reunification process.” - Rita

“I want elected officials and other policy makers to understand that housing is a key component to a woman’s stability when she returns home. When women are able to secure housing upon release, one of the major barriers is removed. A lack of housing can cause a woman to act on old survival skills that will ultimately lead her back to prison. ... There is also the issue of women unable to find suitable housing for themselves and their children.” - Roni¹⁴

Housing is already scarce, and gentrification – which often includes displacement – is rampant. The United States has lost roughly 13 percent of its low-income housing since 2001, leaving an enormous amount of people to compete for the remaining affordable units.¹⁵ Coupled with rapid gentrification that displaces communities of color, viable options for people with conviction records are slim.¹⁶

¹ Brennan, M., & Galvez, M. (2017). Housing as a Platform. *Urban Institute*. Retrieved from https://www.urban.org/sites/default/files/publication/93606/housing-as-platform_1.pdf

² Lockwood, S.K. & Nally, J.M. (2016). Race, Education, Employment, and Recidivism among Offenders in the United States: An Exploration of Complex Issues in the Indianapolis Metropolitan Area. *International Journal of Criminal Justice Sciences*, 11(1), 57-74. Retrieved from <https://www.sascv.org/ijcjs/pdfs/lockwoodetalijcjs2016vol11issue1.pdf>

³ Walmsley, R. (2018). World Prison Population List (twelfth edition). *International Centre for Criminal Policy Research*. Retrieved from http://www.prisonstudies.org/sites/default/files/resources/downloads/wppl_12.pdf

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- ⁴ Shannon, S.K.S. Uggen, C., Schnittker, J. et al. (2017). The Growth, Scope, and Spatial Distribution of People with Felony Records in the United States, 1948-2010. *Demography*, 54(5), 1795-1818. <https://doi.org/10.1007/s13524-017-0611-1>
- ⁵ NYC's Jail Population: Who's There and Why?. (2013). New York City By the Numbers. *New York Independent Budget Office*. Retrieved from <https://ibo.nyc.ny.us/cgi-park2/2013/08/nycs-jail-population-whos-there-and-why/>
- ⁶ Kopf, D. & Rabuy, B. (July 9, 2015). Prisons of Poverty: Uncovering the pre-incarceration incomes of the imprisoned. *Prison Policy Initiative*. Retrieved from <https://www.prisonpolicy.org/reports/income.html>
- ⁷ Multiple studies have documented the cost savings of supportive housing, including: Rethink Homelessness. (2014). The cost of long-term homelessness in Central Florida. Retrieved from <https://shnny.org/research/the-cost-of-long-term-homelessness-in-central-florida/> Thomas, M.L., Shears, J.K., Pate, M.C. & Preister, M.A. (2014, February 14). Moore place permanent supportive housing evaluation study year 1 report. Retrieved from <https://shnny.org/images/uploads/Charlotte-Moore-Place-Study.pdf>. HUD has also documented the high cost of emergency shelter when compared to costs of other types of housing: Spellman, B., J. Khadduri, B. Sokol, & J. Leopold (2010, March). Costs associated with first-time homelessness for families and individuals. Office of Policy Development and Research, U.S. Department of Housing and Urban Development. Retrieved from https://www.huduser.gov/publications/pdf/Costs_Homeless.pdf
- ⁸ Prisoner Reentry Institute. (2013, October). Three Quarter Houses: The View from the Inside. *Reentry Research in the First Person*. Retrieved from <http://johnjaypri.org/wp-content/uploads/2016/04/PRI-TQH-Report.pdf>
- ⁹ Weichselbaum, S. (2016). The Obstacle Course. *The Marshall Project*. Retrieved from <https://www.themarshallproject.org/2015/03/02/the-obstacle-course>
- ¹⁰ Fair Chance Act. (n.d.). NYC Human Rights, City of New York. Retrieved from <https://www1.nyc.gov/site/cchr/media/fair-chance-act-campaign.page>
- ¹¹ Eggleston, A. (n.d.). Perpetual Punishment: The Consequences of Adult Convictions for Youth. *Policy Brief Adulthood Series*, 4. Retrieved from <http://cfyj.org/images/policybriefs/inaugural/PerpetualPunishment.pdf>
- ¹² Evans, D.N. & Porter, J.R. Criminal history and landlord rental decisions: a New York quasi-experimental study. (2015). *Journal of Experimental Criminology*, 11(1), 21-42. doi: 10.1007/s11292-014-9217-4
- ¹³ Evans & D.N. & Furst, R.T. (2016). Renting Apartments to Felons: Variations in Real Estate Agent Decisions due to Stigma. *Deviant Behavior*, 38(6), 698-708. doi: 10.1080/01639625.2016.1197635
- ¹⁴ A Place to Call My Own: Women and the Search for Housing After Incarceration. (2013). Coalition for Women Prisoners. *Correctional Association of New York*. Retrieved from <https://static1.squarespace.com/static/5b2c07e2a9e02851fb387477/t/5c4f698bbba22367181a32aa/1548708255018/2013+Women+and+the+Search+for+Housing+after+Incarceration.pdf>
- ¹⁵ The National Law Center on Homelessness & Poverty. (2014). *No Safe Place: The Criminalization of Homelessness in U.S. Cities*. Retrieved from https://nlchp.org/wp-content/uploads/2019/02/No_Safe_Place.pdf
- ¹⁶ Gray, B., Smith, D., & Franklin, A. (2019). Return to Nowhere: The Revolving Door Between Incarceration and Homelessness. One Size Fails All Report Series. *The Texas Criminal Justice Coalition*. Retrieved from <https://www.texasjc.org/one-size-fails-all>