



# REENTRY HOUSING

## US DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

October 2022





# HUD GUIDANCE

- HUD Guidance is mostly advisory – PHAs/Project Owners are responsible for developing their own occupancy criteria
  - Must follow federal, state, and local ordinances – to include HUD's statute on affirmatively furthering fair housing
- Public Housing – No blanket “one-strike” policy from HUD, only minimal restrictions
  - Only two HUD statutory restrictions:
    - 1) Lifetime Sex Offender and
    - 2) Convicted for Manufacturing Methamphetamine in HUD-Assisted Housing.
  - Additional Regulatory Proscriptions:
    - PHAs must prohibit admission if it is determined the health, safety, or right to peaceful enjoyment of the premises by other residents is threatened by:
      - Any household member who is currently engaged in illegal drug use, or
      - Reasonable cause by the PHA to believe a member's illegal drug use, alcohol use, or pattern of drug/alcohol abuse
    - Prohibition on admission of an applicant for 3 years from the date of eviction from federally-assisted housing for drug-related activity – PHA has discretion to consider the circumstances and may allow admission upon evidence of completion of a supervised drug rehabilitation program, or the circumstances leading to the eviction no longer exist
- [PIH Notice 2015-19/H 2015-10](#): Requires comprehensive approach to criminal history
  - Arrest records alone may not be the basis for denying admission, terminating assistance or evicting tenants
  - Requires any screening, eviction, or termination of assistance policies and procedures comply with all applicable civil rights requirements – to include guidance from [HUD General Counsel](#)





# HUD SECRETARIAL COMMUNICATIONS

- 2016 HUD [Letter](#) to PHAs emphasizing the importance of “second chances” for formerly incarcerated individuals.
  - Urged PHAs and MF owners adopt an effective balance in admissions allowing individuals with a criminal record to reunite with their families that live in HUD-subsidized housing.
- 2021 Secretary Fudge:
  - Sent [a letter](#) to CoCs and PHAs emphasizing that returning citizens were eligible for the Emergency Housing Vouchers funded under the American Rescue Plan
  - Reemphasized the 2016 memo on disparate impact and criminal records (AFFH)
  - Initiated a review of existing HUD policies and regulations that act to limit access to housing and HUD-Assistance among those with criminal convictions
  - Pushing to publish findings regarding best practices on reentry housing, including through HUD’s existing programs and demonstrations like the Juvenile Reentry Assistance Program (JRAP) and the Pay for Success Permanent Supportive Housing Demonstration
- 2022 Secretary Fudge
  - Sent memo to all HUD staff and leaders to institute a Department-wide effort to review our programs and put forth changes to ensure funding recipients are as inclusive as possible for those with criminal histories.



# HUD INITIATIVES



- Work with local communities to:
  - Increase cooperation between housing authorities and continuums of care to increase supportive services available
  - Avoid unnecessarily overbroad denial of housing to applicants on basis of criminal records
- Landlord and PHA Outreach in last 18 months
  - Working with landlord association to increase participation in HCV and CoC programs
  - Detroit Field Office sent a letter to those PHAs that have leasing potential to encourage an expansive review of their admissions policies



## EXAMPLE – DETROIT SPECIFIC

- Fair Chance Access to Rental Housing Ordinance
  - Landlord cannot inquire as to criminal history until the renter is deemed otherwise qualified
  - Required to consider time since conviction, whether conviction related to safety of people/property, evidence of rehabilitation, and whether the conviction warrants denial based on other local, state, or federal law.
- Detroit Housing Commission Admissions and Continued Occupancy Policy
  - Denied admission allowed an informal hearing within 15 calendar days of denial notice
  - Uses a chart to rate severity of conviction, other than statutorily required or listed below will consider factors in making a case-by-case determination
    - Class C Misdemeanor w/in past year = denial
    - History of not meeting financial obligations w/in past 3 years
    - Pattern of eviction from housing w/in past 5 years (allow mitigating circumstances)
    - Owes rent to a PHA
    - Fails to provide or misrepresents income documentation
    - Committed fraud, bribery, etc. in connection with a federal housing program
    - Threatened or engaged in violent behavior against DHC personnel
  - Arrest alone will not be the sole basis for denial

