

# Reducing Barriers to Reentry for Older Adults: Housing

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**October 12, 2022**

# JUSTICE IN AGING

FIGHTING SENIOR POVERTY THROUGH LAW

Justice in Aging is a national organization that uses the power of law to fight senior poverty by securing access to affordable health care, economic security, and the courts for older adults with limited resources.

Since 1972 we've focused our efforts primarily on fighting for people who have been marginalized and excluded from justice, such as women, people of color, LGBTQ individuals, and people with limited English proficiency.

# Justice in Aging's Commitment to Advancing Equity

To achieve Justice in Aging, we must:

- Advance equity for low-income older adults in economic security, health care, housing, and elder justice initiatives.
- Address the enduring harms and inequities caused by systemic racism and other forms of discrimination that uniquely impact low-income older adults in marginalized communities.
- Recruit, support, and retain a diverse staff and board, including race, ethnicity, gender, gender identity and presentation, sexual orientation, disability, age, and economic class.

Want to receive Justice in Aging trainings and materials?

***Join Our Network!***

Go to [justiceinaging.org](https://justiceinaging.org) and hit **“Sign up”** or send an email to [info@justiceinaging.org](mailto:info@justiceinaging.org).

# A.M.A.A.D. Institute

- Arming Minorities Against Addiction & Disease
- AMAAD facilitates personalized individual access to programs and services that foster safe and supportive healthy environments for people to live, learn, and develop to their fullest potential.
- AMAAD strives to provide essential and support services, community support, resources and referrals, centered around specialized strength-based management services and leadership development with a focus among LGBTQ people of color.
- So people can live, learn and develop to their fullest potential
  - Reclaiming Innocence
  - Resilient Solutions
  - Project imPACT

# Upcoming Reentry Webinars

- **Reentry and Older Adults: Accessing Income and Health Care Benefits**
- November 9, 2022, 11 am PST/2 pm EST
  - Trinh Phan, Director, State Income Security, Justice in Aging
  - Georgia Burke, Director, Medicare Advocacy, Justice in Aging
  - Amelia Fay-Berquist, Director, Benefits Advocacy Services, Los Angeles County Department of Health Services

# Reentry Brief



[Issue Brief: Reducing Barriers to Reentry for Older Adults Leaving Incarceration](#)

# Housekeeping

- All on mute. Use Questions function for substantive questions and for technical concerns.
- Problems with getting on to the webinar? Send an email to [trainings@justiceinaging.org](mailto:trainings@justiceinaging.org).
- Find materials for this training and past trainings by searching the [Resource Library](https://justiceinaging.org/resource-library), [justiceinaging.org/resource-library](https://justiceinaging.org/resource-library). A recording will be posted to [Justice in Aging's Vimeo page](https://www.vimeo.com/justiceinaging) at the conclusion of the presentation, [vimeo.com/justiceinaging](https://www.vimeo.com/justiceinaging).
- Enable closed captioning by selecting “CC” from the Zoom control panel.

# Today's Presenters



**Dale Hughes**, Manager of Fiscal Administration,  
Arming Minorities Against Addiction and Disease  
Institute (AMAAD)



**Ted Booker**, Business Development and  
Grants Manager, Arming Minorities Against  
Addiction and Disease Institute (AMAAD)



**Patti Prunhuber**, Director, Housing  
Advocacy, Justice in Aging

# Poll Question

Did you attend the October 6 webinar, “Reentry and Older Adults – An Introduction for Advocates Serving Older Adults?”

Yes

No

# Learning Goals

- Understand barriers to safe, affordable housing for older adults leaving prison/jail
- Learn about link between criminal record and homelessness
- Learn from people with lived experience
- Learn what works to achieve housing stability
- Areas for policy advocacy



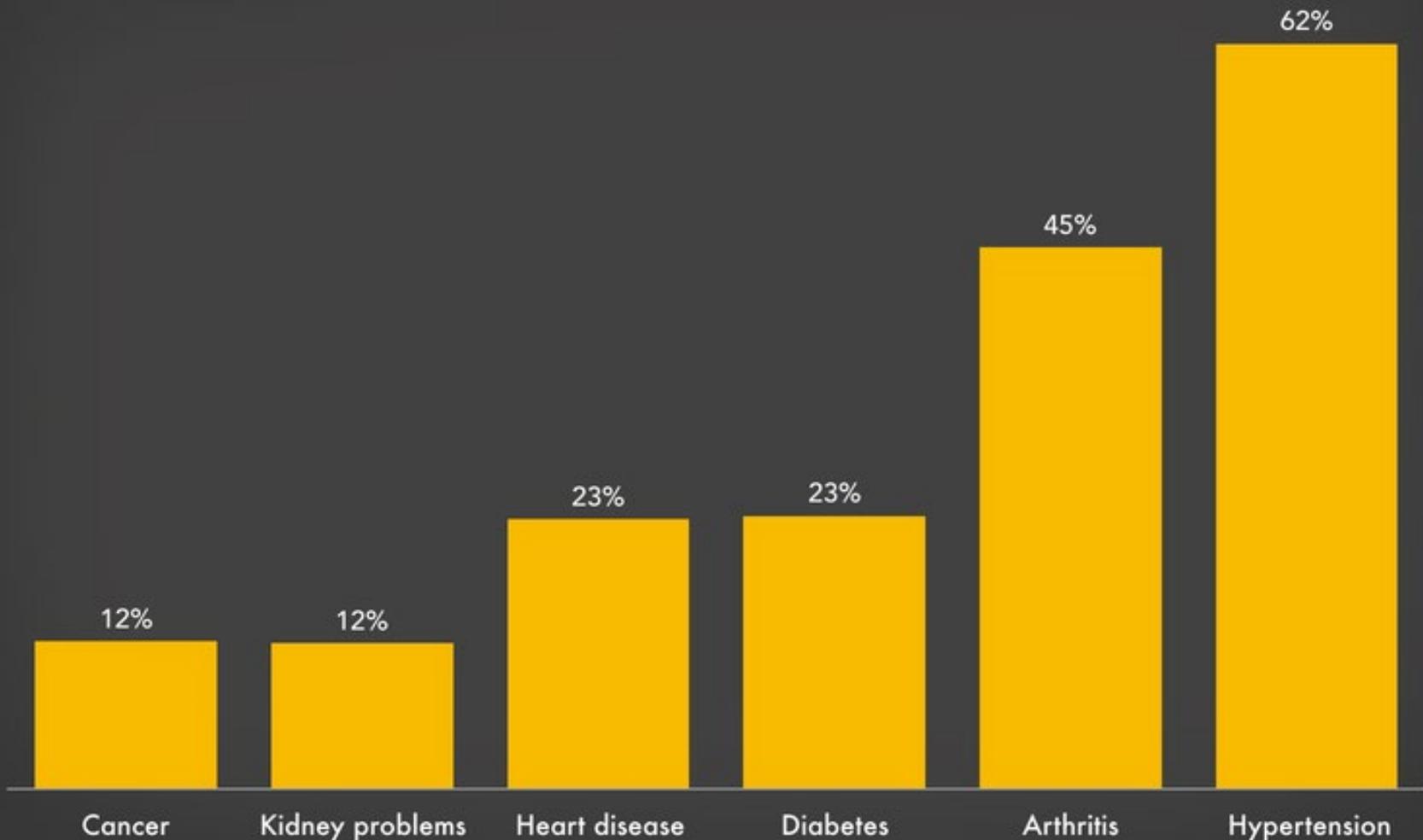
# Reentry and Housing

# Background

- Graying of the prison population
- Older adults in prison have more physical and mental disabling/chronic conditions
- Accelerated aging due to prison
- Many older adults are released from prison or jail without access to housing, healthcare or basic income

# Older people in state prisons are plagued with chronic health conditions

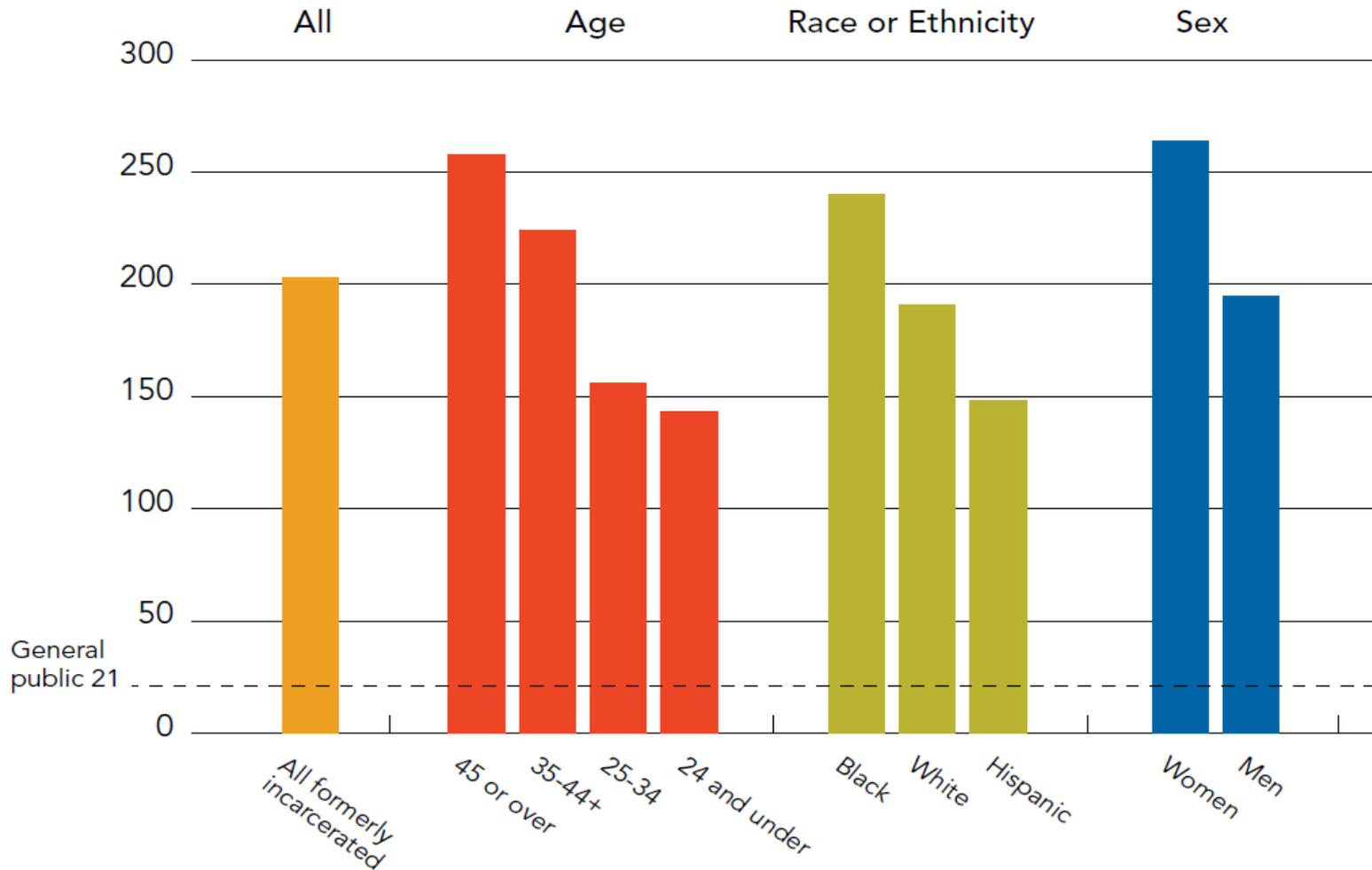
Percentage of people in state prison age 55 and older who report ever having specific health conditions



Source: Bureau of Justice Statistics' *Survey of Prison Inmates 2016* data analyzed by the Prison Policy Initiative

# Homelessness Rates Among Formerly Incarcerated People

# of homeless per 10,000 formerly incarcerated people in each category, compared to general public (2008), Prison Policy Initiative



# Racial Disparities

- Exist at every stage of the criminal legal system – arrest, conviction, sentencing
- People of color have historically experienced higher rates of housing discrimination which can be compounded by the effects of a criminal conviction.
- Older adults released from prison face additional discrimination based on their conviction (nursing home, hospice, housing, jobs)

# Barriers to Housing for Older Adults

- Criminal Record
- Lack of positive Credit or Rental History
- Lack of Income/Employment
- For Older Adults with disabling conditions: need for health and personal care, accessibility, housing with supports
- Lack of family supports, or risk of jeopardizing family housing by moving in

# Common (Mis)use of Criminal History to Deny Housing

- Use of unreasonable lookback periods
- Use of arrests alone as proof of criminal activity
- Bans on overbroad categories of criminal activity (ex.: no felonies)
- Not taking into account mitigating evidence or evidence of rehabilitation
- Consideration of convictions that are sealed or expunged, juvenile adjudications, pre- or post-trial diversion programs

# Protections Against Overuse of Criminal Records

- HUD Fair Housing Guidance on Use of Criminal Records (2016)
  - Criminal record status is not a protected class but. . . overbroad denial of housing to applicants on the basis of criminal records will have a disparate impact on people of color, in violation of the Fair Housing Act
- 2021 HUD Guidance on Reentry
- 2022 HUD Agency-wide Review to Reduce Barriers for those with prior criminal record
- State or Local Fair Housing Protections
  - Does landlord policy/practice have an unjustified discriminatory effect on protected class?

# FAIR HOUSING AND CRIMINAL HISTORY

## FACT SHEET

# DFEH



## 7 THINGS YOU NEED TO KNOW

- 1. Can I live in rental housing with a criminal background?** Yes. It is unlawful for a landlord or other housing provider to have a policy that prohibits persons with a criminal record from renting or living in a housing unit no matter the circumstances.
- 2. Can a landlord run my criminal background?** Yes. Generally, a landlord can check the criminal background of a prospective tenant. However, how a landlord may use that information is limited by law, because people with criminal histories can be good, responsible tenants.
- 3. If I have a criminal record, what should a landlord do?** If a landlord intends to deny you housing based on a past criminal conviction, the landlord should follow certain guidelines. Among them, the landlord should consider information like the facts or circumstances surrounding the criminal conduct to see if they directly bear on your ability to be a good tenant, how long ago the conduct happened and whether you were a minor or young, whether the conduct arose as a result of a disability or domestic violence, whether you have maintained a good tenant history before and/or after the conviction, and evidence of your rehabilitation efforts.
- 4. What information can a landlord not consider?** A landlord is prohibited from considering any infractions or arrests that didn't lead to a conviction. And unless you choose to bring it up, a landlord also can't consider convictions that could inform their decision. They should also delay considering criminal history information until after your financial and other qualifications have been verified.
- 6. What is mitigating information?** Facts or circumstances surrounding the criminal conduct that help explain the event and show that you are still going to be a good tenant. This includes rehabilitation efforts, that you were young when the criminal conduct occurred, that the conduct occurred a long time ago or was the result of domestic violence, that you have been a good tenant elsewhere, and/or that you have steady employment.
- 7. What should I do if I think I have been unlawfully disqualified?** If you think you have been unlawfully disqualified from housing because of your criminal history, file a complaint with the Department of Fair Employment and Housing. **We can help.** You are also protected from housing discrimination because of your race, national origin, disability, sexual orientation, gender identity, and other protected characteristics.

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**If you have a disability that requires a reasonable accommodation, DFEH can assist you by phone or, for individuals who are Deaf or Hard of Hearing or have speech disabilities, through the California Relay Service (711), or you can contact us below.**

# HUD Directive: Reduce Housing Barriers for People with Criminal Records

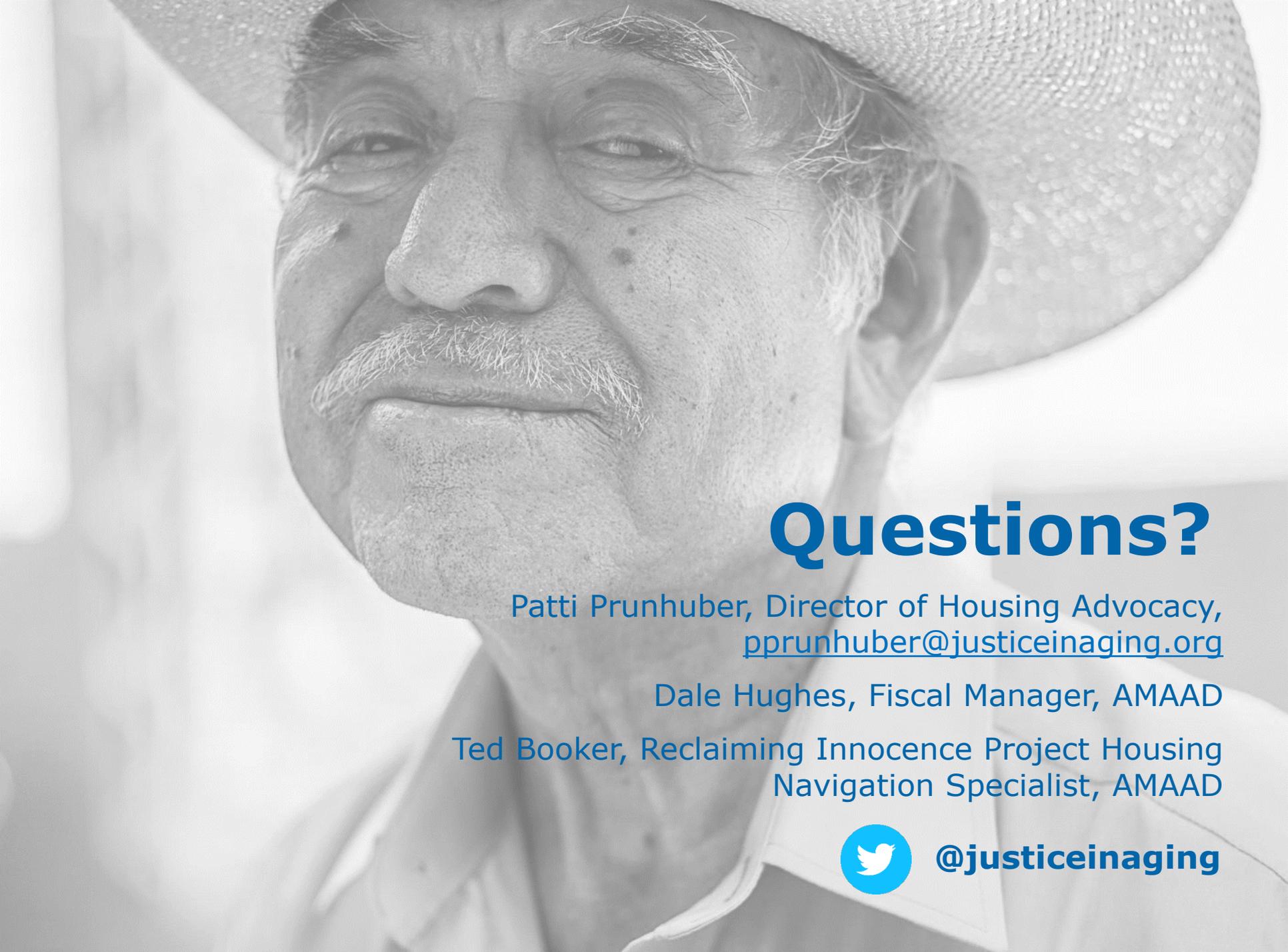
- Nearly 1 in 3 in U.S. have a criminal record, disproportionately Black and Latinx
- HUD acknowledged its policies and programs may pose barriers to housing for those with criminal histories and their families
- Six month-long agency review: Report in Oct. '22
- [HUD Memo on Reentry, April 2022](#)

# Policy Advocacy Opportunities

- Adopt a local fair chance ordinance
- Work with your local PHA to revise its policies
- Prioritize the Emergency Housing Vouchers for those people exiting jails and prisons
- Make the case for opening up housing opportunities for people leaving jail or prison increases public safety, ensuring successful reentry
- For older adults, make important connection between stable housing and health care savings

# Links to Resources

- Justice in Aging Policy Brief, [Reducing Barriers to Reentry for Older Adults Leaving Incarceration](#)
- HUD Guidance on Reentry: "[Secretary Fudge Outlines HUD Actions to Address Reentry Housing Needs and Increase Public Safety](#)"
- NLIHC [Sign-on letter to HUD](#), urging HUD to make needed reforms to remove barriers to federally-assisted housing for people impacted by the criminal-legal system. (Due Oct. 12)
- Prison Policy Initiative, "[Nowhere to go: Homelessness among formerly incarcerated people](#)"



# Questions?

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