

Healthy Aging with a Criminal Record in Hampden County MA:

A health impact assessment about the use of CORIs in housing decisions

Community Presentation

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**PUBLIC HEALTH INSTITUTE
OF WESTERN MASSACHUSETTS**
PARTNERS FOR HEALTH EQUITY

OLDER ADULTS AND CORI ADVOCACY

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What is an HIA?

A systematic process that uses an array of data sources and analytic methods to determine the potential effects of a proposed policy, plan, program, or project on the health of a population. HIA provides recommendations on monitoring and managing those effects.

National Research Council of the National Academies, 2011

OBJECTIVE: INCLUDE HEALTH IN DECISION-MAKING



Steps of an HIA

HIA Step	Description
Screening	Determine the need and value of an HIA
Scoping	Identify health impacts to evaluate and methods for analysis
Assessment	Provide: 1) A profile of existing health conditions 2) Evaluation of potential health impacts
Recommendations	Provide strategies to manage identified adverse health impacts and maximize benefits to health
Reporting	Include: 1) HIA report 2) Communication of findings & recommendations
Evaluation & Monitoring	Track and evaluate: 1) Process of conducting the HIA 2) Impacts on decision-making 3) Impacts of the decision on health outcomes

HIA Research Question

What would be the health and equity impact if housing providers changed their practices or policies around the use of a criminal background check for older adults?



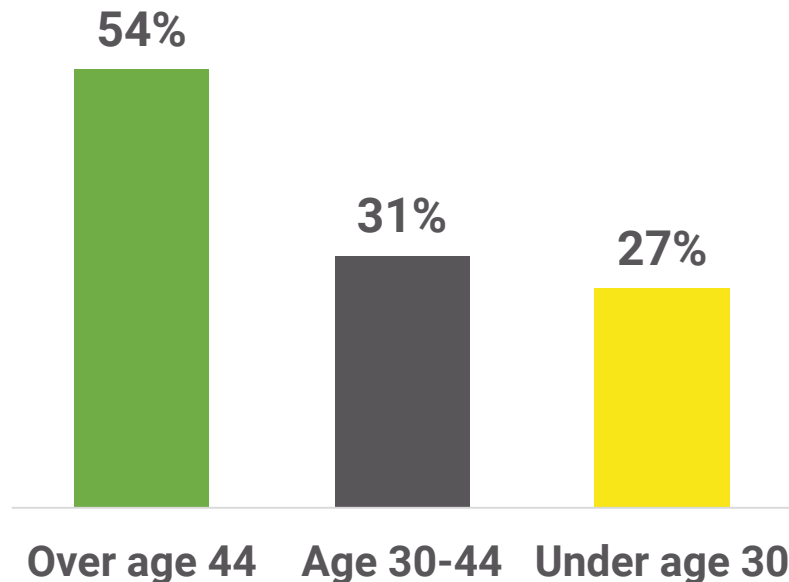


Takeaways

- 🏠 **There is not enough housing** in Hampden County to meet the demand
- 🏠 Consideration of criminal history has systematically been inserted into housing decisions.
- 🏠 Policies of mass incarceration have led to many more people with records, who are **disproportionately Black and Latino/a**.
- 🏠 **We did not find any evidence** that people with criminal backgrounds are more likely than other residents of public housing to commit crimes.
- 🏠 Not being able to access affordable housing can **affect mental and physical health**. It impacts the **individual** and their **community**.

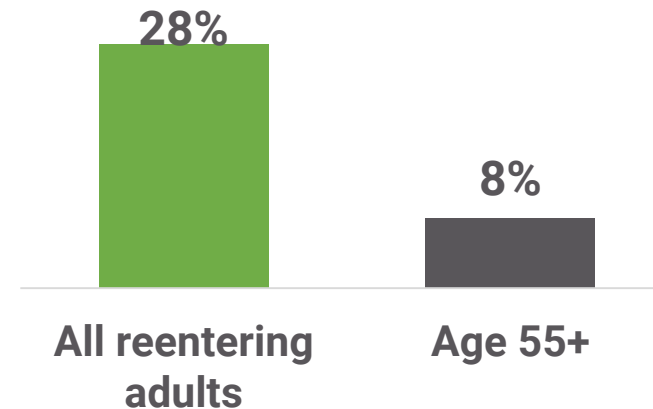
Takeaways

Older adults with a record are at **high risk for homelessness & housing instability**



% of people with marginal/unstable housing 6 months after release from prison, 2012. MA Statewide data, Boston Reentry Project. Harvard University.

but at **low risk for committing crime/getting rearrested**



MA DOC, 2020. MA DOC 3-Year Recidivism Rates: 2015 Release Cohort

We found no evidence that
having a criminal record impacts
your success as a tenant



Takeaways from Professional Sector Perspective

- 🏠 LHAs want to help people with CORIs get housing, as a subset of people with very low incomes, and have to balance the needs of all potential residents.
- 🏠 LHAs are able and willing to consider “mitigating circumstances”, however many people do not apply because they think they will be denied due to their CORI.
- 🏠 People are denied from public housing for many reasons beyond the 2 offences that the federal government mandates denial for.
- 🏠 Partnerships with service providers are a valuable, evidence-based, and well-received strategy. AND not all people with CORIs need services, they just need housing.
- 🏠 Being able to live with family members after release from jail or prison is arguably one of the highest needs.
- 🏠 Data on proportion of people denied housing due to the CORI is not available.



Methods

- **Literature** review
- **Stories shared by 39 older adults in Hampden County** who have experienced barriers to accessing housing due to a criminal record
- **Key informant interviews** with LHAs, service providers, state agencies, advocates
- **Secondary data** from housing providers, Hampden County Sheriff's Department, and MA Dept. of Corrections



BACKGROUND/EQUITY LENS

Historical context and information about our population

Consideration of criminal history has systematically been inserted into housing decisions

1980's – '90: Three federal Acts support LHA's right to exclude applicants with a criminal hx

2002: Supreme Court upheld rights of LHAs to evict households based on activity of one member.

2011 – 2016: HUD released a series of letters guiding LHAs to decrease barriers to admissions of people w/ criminal hx

Mid-90's – 2000: Federal laws mandated law enforcement to comply w/ LHA background checks, strengthened eviction rules, and incentivized LHAs to decline people w/ criminal hx. Created permanent bans in housing re: sex offender registry & meth

2008: Second Chance Act funded reentry

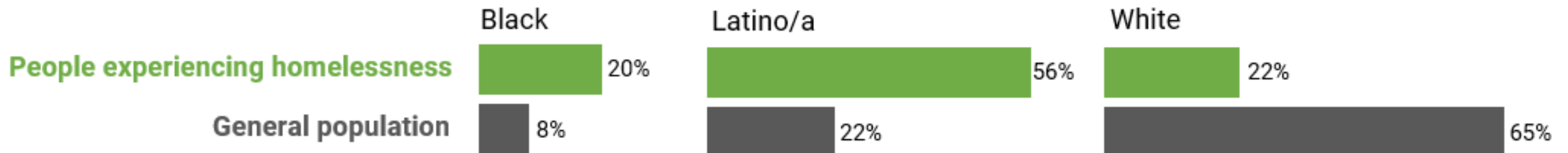
2015: Supreme Court ruled that orgs can be held liable for violating the Fair Housing Act even if they do not intend to discriminate

Mass incarceration has led to disproportionate representation of Black and Latino/a populations who are homeless or unstably housed

People who have been incarcerated are estimated to be up to **11x** more likely to experience homelessness than people who have not been incarcerated

Becket K. 2012.

Black and Latino/a people have higher rates of homelessness than their proportion in the general population



Homelessness in Hampden County by Race/Ethnicity, 2015-2017
City of Springfield Housing Department: Springfield-Hampden County Continuum of Care



PRIORITY FACTORS THAT DETERMINE HEALTH

- Access to affordable housing
- Involvement in the criminal legal system
- Safety



Access to affordable housing: Why it's important

- Most people in our survey (84%) said that the barrier of their record to accessing affordable housing had caused an **increase in stress** in their lives.
- More than half reported **increases in depression and anxiety**.

Older people who are homeless tend to exhibit health characteristics that are more consistent with non-homeless people approximately 10 years older than them.

Grenier et al. 2016.



Involvement in the criminal legal system: Why it's important

- A 2013 study found that **each year spent in prison corresponded with a two-year reduction in life** expectancy.
- A 2019 report from the Hampden County Sheriff's Dept found that **40% - 55% of people released from the jail have an unstable housing** plan.

Safety:

Why its important



- **Older people who are homeless can face higher threats to safety than younger adults** because they are often seen as easy targets.

Grenier et al. 2016.

- Further involvement with the criminal legal system, often due to housing instability, is a safety risk.

Wolff NJ, Shi J. 2009

Gullapalli V. 2020.

“[People experiencing homelessness] face health problems and literal risk of death from being outdoors. All face a frightening lack of safety.”

Western Massachusetts Network to End Homelessness



POLICIES AND PRACTICES

How practices would help and current use of practices

Advisory Committee

- Jasmine Akuffo, NACCHO
- Meris Bergquist, Mass Fair Housing Center
- John Fisher, Way Finders
- Alyssa Golden, Community Legal Aid
- Samantha Hamilton, LiveWell Springfield, PHIWM
- Richard Johnson, Debra Hunt Center, NNCC
- Denise Jordan, Springfield Housing Authority
- Madeline LaSanta, AISS, Hampden County Sheriff's Department
- Gerry McCafferty, Springfield Office of Housing
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Primary Data Collection Team

Men of Color Health Awareness (MOCHA)

- Lamont Scott
- Brother Al Hubert
- David Michael Edwards

New North Citizens Council (NNCC)

- Richard Johnson
- Adalberto Cotto
- Sheldon Green



6 Recommendations

1. **Establish formal partnerships** between housing & service providers
2. Use **only federal exclusion criteria*** in housing admissions decisions
3. Allow applicants to submit evidence of **mitigating circumstances** before denial
4. Create explicit criteria for denial that is **available publicly**
5. **Share data** about denials
6. **Permit family members to house** people with a CORI except federal exclusion criteria*

1. Expand Partnerships

between housing and reentry, behavioral health, & homelessness service providers



- These types of partnerships are well-accepted by housing providers, residents, and service providers
- Evidence finds them effective
 - Majority of people in **supportive** housing successfully retain housing
 - People in supportive housing after prison were 40% less likely to be rearrested and 61% less likely to be reincarcerated than a control group one year after release
- To some extent some of these partnerships already exist and could be expanded



We get women directly from the Chicopee Women's Jail. We have a great working relationship with Gandara's counselors. In a year or two when women can get themselves back into the work world, be productive in terms of income, and have gone through counseling, they apply while they are in Serenity House for public housing, and eventually they can get permanent housing."

-Chicopee Housing Authority staff



2. Only Consider Mandatory HUD criteria

All the LHAs we examined consider criminal legal system involvement beyond the mandatory HUD exclusion criteria

LHAs go beyond looking at convictions and consider arrests

Changing practice to only denying people outright for the mandatory HUD criteria would decrease the number of people denied due to their criminal record



3. Allow for Mitigating Circumstances

- All agree: no need for mitigating circumstances at “**pre-application**”
- There are examples of LHAs that incorporate consideration of mitigating circumstance **before denial** that show promise
- Although applicants can request hearings, there are **many barriers** to doing so

In our survey:

- 31 people were denied housing due to their CORI
- 10 chose to appeal
- 3 had the denial overturned

Barriers

“They ask for an exuberant amount of information, which is tedious at best. In regards to trying to get housing assistance applications, or asking for information that as a person struggling or in the midst of addiction, it’s hard to obtain. So I just gave up.”

4. Make Denial Criteria Publicly Available

- Screening criteria is mostly available but not very accessible (3 out of 4 of our LHAs)
 - Online (for some) & buried in lengthy and complex document
 - Applications ask about crime (e.g. have you ever been convicted of a crime other than a traffic violation?) and mention that LHAs will request a CORI, but do not explain how the information will be evaluated
- Some LHAs feel like they are doing all that they can

“When an applicant applies, they don’t really know about CORI unless they look at our ACOP online or the state regulations. We do give them a CORI form once they get the final screening which explains what it is about.” -LHA





But many people don't bother applying

"I never went to Housing to fill out an application for housing - in the back of my mind I knew that my criminal record would be my downfall. I think I would be denied. So I never went that route to get an apartment, which I really need."



5. Publicly Available Denial Data

- We asked for denials due to criminal background, requests for hearings, and overturns (unidentifiable and aggregate)
- No LHA, Way Finders, HUD, nor DHCD was able to supply denials
- What gets measured gets attention: increase in accountability and transparency

6. Allow people to live with family members

A majority of people returning from incarceration rely on families for housing, so this is arguably the biggest need

Powell S, et al. 2015.
Visher C. et al. 2009.

Because of rules about criminal records, people with very few other options will sometimes live with families in public or subsidized housing without notifying the LHA

This can lead to evictions of people who have no criminal record

LHAs report that they experience many problematic situations with drugs and crime because of people coming to live with their families against the rules - many times LHAs only find out because of a problem, so it leads to a skewed view of this practice

One option is a structured program that wraps support around the individual and the family



Other Recommendations

Funding:

- More partnerships between housing & service providers
- A pilot program (like Graduated Reintegration Program) to set aside housing for people exiting prison/jail

Change LHA practices:

- Consider age (50+) an automatic “mitigation” if no crimes in last 2 years
- Designate staff person/navigator to help applicants
- Expand training on reviewing/understanding CORIs & federal criteria
- Put absolute disqualifying crimes and info about appeals on the front page of the application

Criminal legal system:

- Expand funding criteria to allow for community-based reentry programs
Improve reentry services to ensure people reentering have true housing plans

THANK YOU!



— Massachusetts —

COMMUNITY HEALTH AND
HEALTHY AGING FUNDS



OLDER ADULTS AND CORI ADVOCACY

Anthony Kelly

