

A
Family
Justice
Publication

March 2005



**The Invisible Tenant:
Living in Federally Assisted
Housing after Prison**

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About the Author

Tony Hebert conducted the research presented in this report as a Visiting Research Fellow at Family Justice, Inc. In addition to this study, he has conducted evaluations and research on public housing programs and policies, rural community development efforts, public participation approaches, youth programs, and health interventions for low-income families. He has also worked with public housing authorities, tribal and local governments, community based service providers and federal agencies to implement social services policies and programs for public housing residents and other low-income families. He has a PhD in Applied Anthropology from the University of Florida.

About Family Justice

Family Justice draws on the unique strengths of families and neighborhoods to break cycles of involvement with the criminal justice system. To this end, Family Justice works with government agencies, the private sector, and other nonprofits to provide direct services, to offer consulting and training in its methods, and to serve as a resource for public policy makers and the criminal justice field. Current initiatives include developing curricula for the American Probation and Parole Association, establishing satellite to better serve seniors and youth in New York City Housing Authority, and work with the directors of corrections facilities in Rhode Island, Oklahoma, and Virginia. In 2003, Family Justice was awarded the Innovations in American Government Award by the Institute for Government Innovation at Harvard University's John F. Kennedy School of Government for its family focused prisoner reentry work at its direct service storefront, La Bodega de la Familia on Manhattan's Lower East Side.

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Overview:

Everyone knows that I'm back. But they don't say anything. And mostly they all know what I'm going through because they have family just out of prison that are living with them too. So they're in the same thing [situation] that I'm in and that my mother is in.

—La Bodega Participant

No one knows exactly how many people returning from prison live off-lease in subsidized housing, although several studies have noted this phenomenon. Despite restrictions, and the risk of a lease violation that could result in an eviction for the leaseholder or whole family, many individuals recently released from prison choose to live off-lease with family or friends in federally subsidized housing. Based on the findings presented in this report, living with family in subsidized housing proves to be an important source of transitional housing for many returning prisoners and their families.

This report provides a snapshot of the experiences of individuals released from prison to live with family members in federally assisted housing in New York City, who are participating in a family support program. It draws on the perspectives of a small sample of returning prisoners to better understand: 1) their housing status before prison, 2) plans for housing while incarcerated, and 3) experiences living in subsidized housing after prison. It explores returning prisoners' future plans and challenges in achieving housing independence. It also investigates the networks and people that have been critical in the transition process; in particular, the report notes that among the most important aspects of their living situations, was help and support returning prisoners received from their family, as well as the assistance that they, in turn, provided to their family.

Recommendations highlight options for supporting returning prisoners in their goal of greater self-sufficiency and housing independence, while also helping them to maintain a meaningful connection with their families in subsidized housing. The report also encourages service providers, housing agencies and criminal justice practitioners to explore how engaging the family as a resource for returning prisoners can be formalized and integrated into present work. The research underscores the value of assisting returning prisoners to capitalize on housing and family support as they navigate a continuum of progressively greater housing independence. Although the challenges remain significant, these efforts can help stabilize families on public assistance who are supporting people under community justice supervision, and at the same time, improve the short-term outcomes and long-term prospects of returning prisoners.

INTRODUCTION

Federal regulations require housing agencies to develop admission and lease policies that restrict individuals with certain criminal histories from living in most types of federally subsidized housing. These measures make it difficult for individuals recently released from prison to officially reside in subsidized housing as a leaseholder. At the same time, federal housing policies also provide local housing agencies with some discretionary authority to modify admission policies and allow individuals who have demonstrated rehabilitation to live in federally subsidized housing. However, few housing agencies choose to exercise this authority, and instead default to a strict enforcement of admission restrictions for individuals with criminal histories.

Despite these restrictions, and the risk of a lease violation that could result in an eviction for the leaseholder, some individuals recently released from prison live off-lease with family or friends in subsidized housing units. Although the total number of individuals who have returned from prison to live off-lease in subsidized housing is not known, several studies have noted this phenomenon.

One study found that six percent of all prisoners who were released from state prisons to addresses in Chicago were living with family or friends in public housing and housing choice voucher (HCV) units immediately after their release from prison.¹ Another study exploring relocation experiences of residents from Robert Taylor Homes, a public housing development in Chicago, found that 41% of the households expected a returning prisoner to live with them in the near future.²

The findings presented in this report explore this phenomenon and provide a snapshot of the experiences of individuals who returned from prison to live with family members in federally assisted housing in New York City. It draws on the perspectives of 15 returning prisoners³ to better understand their housing status before prison, the plans they had for housing while incarcerated, and their experiences from living in subsidized housing after prison. It also explores their future plans and the challenges they face in achieving their goal of housing independence.

Due to the small sample size, the findings presented in this report are exploratory. They do, however, suggest a number of possible implications for policy and practice. A recurrent theme is the importance of the mutual support that family members and returning prisoners provide to each other during the time that they live together. While this was important to both returning prisoners and their families, the report highlights the special significance of this living situation for returning prisoners as they adjust to life after prison, achieve stability and search for an apartment. Finally, the concerns and challenges described by respondents in this study also suggest improvements for subsidized housing admission policies, release planning, coordination across service providers, and the integration of housing goals with other services provided to assist returning prisoners.

EVOLUTION OF SUBSIDIZED HOUSING ADMISSION AND LEASE POLICIES

In the early 1990s, the U.S. Department of Housing and Urban Development (HUD) issued new continuing occupancy and lease regulations, often referred to as “one strike,” that required housing agencies to establish lease enforcement policies which stipulated immediate eviction for a drug offense or other felony committed on a federally subsidized housing property. Regulations were later extended to include stringent screening policies that allowed housing agencies to consider criminal backgrounds during the admissions process.⁴ A 1997 study conducted by HUD found that after these provisions were implemented over 19,000 households were denied admission to public housing, double the number before these provisions were established.⁵

These policies later evolved into broader revisions to admissions and continuing occupancy rules relative to criminal history and residence in subsidized housing. In 1998, Congress passed the Quality Housing and Work Responsibility Act (QHWRA), which expanded regulations governing

admissions policies that address criminal history, and extended these provisions to many other types of subsidized housing.⁶ Within these regulations, organizations managing subsidized housing units are given the flexibility to set the period for which these individuals would be ineligible for federally assisted housing, with no upper limit defined by the federal government.⁷

The regulations are particularly stringent for those committing drug crimes on federally assisted housing properties. In these special cases, federal regulations stipulate a minimum ban of three years.⁸ Several other offenses, including sexual assaults and methamphetamine production on the premises of a federally assisted property carry a lifetime ban.⁹

Although these regulations give housing agencies the authority to deny admission to individuals with criminal histories, clauses within the regulations also authorize local agencies to allow for the admission of individuals with criminal histories and consider “the time, nature and extent of the conduct (including the seriousness of the offense)” in making admissions decisions.¹⁰ Housing agencies are also allowed to consider “factors which might indicate a reasonable probability of favorable future conduct” e.g., evidence of rehabilitation or participation in supportive services programs.¹¹ The flexibility that is given to local agencies results in highly variable policies regarding admissions to subsidized housing for individuals with criminal histories.¹²

However, entities managing federally assisted housing rarely use these discretionary clauses, and instead often default to a rigid enforcement of criminal history screening for subsidized housing units.¹³ In many cases this is driven by concerns over crime on federally assisted properties and acute shortages in affordable housing¹⁴, although research has yet to directly establish that returning prisoners are responsible for crime increases on assisted housing properties.

HOUSING TYPE BEFORE AND AFTER PRISON

Many of the respondents in this study lived with their families in federally subsidized housing before their last incarceration, and few had ever rented their own apartment in the private market. Although these respondents used their parents’ apartments in federally assisted housing as permanent addresses and safe havens before their last incarceration, they indicated that they were not on the lease of these apartments because of criminal activity during their youth.

In most of these instances, the family made the decision to remove them from the lease in an effort to preempt future problems with the landlord before their criminal record became an issue. However, in some cases, respondents asserted that their parents were forced to remove them from the lease and taken to court to enforce this action. Several indicated that their families were required to sign documents stating that they would never have their son or daughter live with them in subsidized housing as a condition for keeping their own unit. Respondents noted that despite their family’s recognition that their criminal history could result in an eviction, most of the families continued to let the respondent live with them, but felt safer knowing that they were not on the lease because there was less likelihood that any future criminal activity could be linked back to the family.

After their last incarceration, most (60%) of the respondents were released to the same address that they had before prison. Consistent with the plans they established while they were in prison, all of the respondents were initially released to live with family members at an address in public housing or a HCV apartment, and slept at this unit their first night out of prison.

At the time of this study, 87% of all respondents were living at the same address that they were released to after prison, and all but two continued to live with family members in subsidized housing. Both of these respondents moved to the shelter system from an apartment in public housing.

TABLE 1: HOUSING TYPES BEFORE AND AFTER PRISON

| Housing type | Before Prison | After prison (on-release) | At the time of this study |
|---|---------------|---------------------------|---------------------------|
| Living in subsidized housing | 12 | 15 | 13 |
| <i>Public housing</i> | <i>10</i> | <i>12</i> | <i>10</i> |
| <i>Project-based Section 8</i> | <i>2</i> | <i>3</i> | <i>3</i> |
| Shelter system | 1 | 0 | 2 |
| Market rate apartment | 2 | 0 | 0 |
| Living with family (all housing types) | 12 | 15 | 13 |
| Living with family in subsidized housing | 10 | 15 | 13 |

RELEASE PLANNING AND HOUSING CHOICES

Most respondents reported that they did not participate in programs that could help them plan for and secure post-release housing during their last incarceration. Among the few respondents who received help, most indicated that the only housing option discussed by prison counselors was the shelter system. Beyond this assistance, respondents asserted that they received most of their information about housing opportunities from other inmates, who shared their experiences with them or facilitated pre-release sessions in prison.

The only thing I had in prison was, you know, another inmate would go out on parole, but then they come back and they would tell me when they come back about what it's like. How did it go? The first thing you talk about is your crime and then the next thing they say is that they can't go back to (public) housing because of their crime. But I never heard anything about you can have this kind of housing when you get out, or what kind of housing there was, I never came across that.

Given their lack of information about post-release housing options, respondents indicated that they formulated a plan while they were in prison for where they would live after their release that was primarily based on their past experiences, housing preferences, available options and post-release concerns about recidivating or substance abuse. In all cases, respondents decided to live with their families in subsidized housing, and gave this to the parole board as their release address. While this was a choice that they freely made, most (53%) respondents reported that they had few other options but to live with their family in subsidized housing, because they were sure that they could not get their own apartment and few desired to live in the shelter system.

I didn't know where I was going to go. I didn't have no other options. It was either my mother or a shelter. If I could stay in prison longer but guaranteed that I could go back home and have a place to live of my own or something like that, I wouldn't mind staying in longer. Then you come out and go home and have a place to live, because if you have housing, it's easier to get more things later on.

Most respondents were moderately worried¹⁵ about their housing after prison because they did not think they could live in subsidized housing with their families as a result of their criminal history and recent incarceration. Many indicated that they knew there were rules that banned them from living in subsidized housing and that they were unsure how this would impact the approval of their release address and housing after prison.

TABLE 2: PRE-RELEASE HOUSING PLANS AND CONCERNS

| | |
|--|-------------|
| I was worried about where I would live after prison. | 53% |
| I received pre-release assistance with housing. | 27% |
| I planned to live with my family in subsidized housing after my release. | 100% |
| I was worried that I would not be able to live in subsidized housing because of my criminal history. | 87% |
| I feared being released into the shelter system. | 73% |
| My family told me that they felt good about me returning home. | 87% |

As a result, another major fear among respondents was that they would have to enter the shelter system at some point after their release if they were unable to live in subsidized housing. Respondents indicated that they considered the shelters to be dirty, unsafe and too much like prison. They also asserted that there is a high incidence of drug abuse and theft in the shelters which they considered particularly unappealing because they feared the environment might result in them recidivating or using drugs.

The shelters are very degrading - the housing conditions you know. The type of different characters there, you know you have mentally ill individuals going there. You know you are vulnerable to so much and you can fall for so much. There are drugs, and people rob you, and you can only take so much.

Others noted that they were concerned about going back to their old neighborhoods because this might make it difficult for them to stay focused, drug-free and away from trouble. Similar to their concerns about living in a shelter, respondents were worried that returning to their old neighborhood would cause them to recidivate, relapse and return to prison.

Despite their own misgivings about returning to live with their families in subsidized housing, when asked how their families felt about them returning home, most indicated that they wanted or needed them to return home. Many of these respondents asserted that family members offered support and housing with little concern for how it might impact their housing situation. Several stated that their families were not worried because, “they knew I wanted to stay clean this time,” “they knew I didn’t want to go back to prison,” or “they knew I never commit crimes where I live.”

However, among those with concerned family members, respondents indicated that they were worried about them returning home because they feared that they would also return to the same lifestyle and behavior, including drug use. Respondents thought that their families were also worried because people with criminal histories are not allowed in public housing and they were risking a possible eviction.

She didn't mind me coming back. But her concern was that she lives in public housing and me coming back to live with her with a felony. Because actually I'm not able to live in public housing with a felony, as far as I know. But she wanted me to come back, so I stayed there and put that as my address until now, now I'm actually searching for a place.

At the time of their release, each of the respondents provided the parole board with a release address in federally assisted housing, and slept at this address their first night out of prison. The parole board and their parole officers, who inspect and screen each address before an individual is released from prison, approved these addresses and their residence in subsidized housing. Respondents indicated that their parole officer received permission for them to live in the apartment from their family members but did not consult the housing agency responsible for managing the unit.

RETURNING HOME TO LIVE IN FEDERALLY ASSISTED HOUSING AFTER PRISON

At the time of this study, most respondents¹⁶ continued to live in subsidized housing with family members and were moderately satisfied¹⁷ with their living situation, despite concerns they had over losing their housing. Respondents stressed that they were happy to be off the street and have a place to live. Many asserted that were it not for their families they would either be homeless or experiencing greater hardship and probably poorer living conditions.

They keep me away from trouble, and actually makes everything a lot easier. I don't have all the stress of being in the shelter, and all those worries. I don't have none of that. I got more support.

MUTUAL SUPPORT

The most important aspect of their living situation was the help and support returning prisoners receive from their family, as well as, the assistance that they provide to their family. Respondents stated that family members give them money, food and clothing, help them look for housing, ask agencies and people about housing opportunities, talk to them about their problems and motivate them to achieve their goals. A majority of respondents also noted that they were satisfied with their housing situation because it is a good stepping-stone for them after prison. The support, assistance and relatively stable housing that their family provides allows them to seek employment, save money and look for their own apartment.

She can help me save a little money to help me move out. She's very helpful and is supporting me, and she supported me for 2 or 3 months with money until I got my own job. So she's very helpful with that. She told me, you know, she said It's ok. When I told her that I was sorry that there wasn't more that I could do, she said you know it's ok, until I get my own place.

TABLE 3: PERSPECTIVES ON HOUSING SITUATION

| | |
|--|-------------|
| I am satisfied with my housing situation. | 60% |
| It was important for me to be reunited with my family after prison. | 80% |
| My family gives me support. | 93% |
| The support my family gives me will help me get my own apartment. | 60% |
| I help my family. | 100% |
| I give my family money for food and rent when I can. | 87% |
| I am worried that I will lose my housing or my family will be evicted from subsidized housing. | 80% |

An equally important aspect of their satisfaction was their contribution to the household and their opportunity to help family members. Most also stressed that it was very important¹⁸ for them to be with their family because they had been apart for many years and it was good to be reunited. Both spending time with their family and helping when they needed assistance gave respondents a deep sense of satisfaction after their release from prison. This was particularly significant for 47% of respondents, because living with their family is an opportunity for them to make up for what they should have done in the past, demonstrate that they are clean, turning around their life, and that they are good people.

There are also sentimental reasons for living with my moms. I've done a lot of bad things and I would like one day to make amends with her, and I'd like her to be happy. So that she can see that I'm doing the right thing.

Respondents indicated that when they are employed, most contribute to the household by giving their family money for food and rent. In addition to this, 73% asserted that they regularly help with household chores, shop for groceries and assist with things that their mother or other family members are unable to do for themselves. Many (53%) stressed that their mother or another family member is elderly, sick or needs their help. These respondents assist their family members with household tasks, medicine and trips to the drugstore or doctor.

WORRIED ABOUT EVICTION

Although most were satisfied with their living situation and benefiting from the support of their families, respondents were also very worried¹⁹ about being evicted. They understood that there are rules barring individuals with criminal histories from living in subsidized housing and that their parole officer did not discuss their release with the housing agency or get approval for their residence in the apartment. While respondents were worried about their own housing situation, they were most concerned about their family losing their apartment because of the lease violation that they represented. Despite these concerns, none of the families had received eviction notices from the housing agency. However, if an eviction is threatened, many indicated that they would not jeopardize their family's housing and would simply move out before causing them to be evicted.

Because I wouldn't want nothing to happen to my mother because of me, know what I'm saying. You know if they sent her a letter one day and said that you have to move because you violated this article and this law, you know what I'm saying. So I would just move then, and that's why I want to get my place too because you never know.

Respondents were concerned about being evicted, but most (87%) were equally sure that the housing agency knew very little about what was happening in the building and rarely checked units to enforce lease restrictions regarding off-lease residents. They indicated that living off-lease with family or friends is a common occurrence that generally receives little notice from other residents or housing agency staff.

Most (93%) indicated that the housing agency and other residents are only concerned about off-lease residents when they are causing problems in the building. Respondents said that they are, "doing good," "staying clean," and "not causing trouble." As a result, they were confident that the housing agency and other residents would focus on those that are currently causing problems in the building. Some felt that if they are able to continue this behavior, they could go on living in subsidized housing indefinitely.

If I'm not on it (the lease), they not gonna investigate, they wait, and if my name pop up saying that this person just came out and he's completely out of control, which I'm not, then they come and investigate. But right now, I don't think they're gonna come and investigate because I'm doing good.

Despite these assurances, respondents living in public housing are particularly careful about their behavior and interactions with housing agency staff. They do this to minimize potential conflict and not draw attention to their off-lease residence in the building.

AVOIDING DETECTION

Respondents described a number of strategies that they use to avoid detection by housing agency staff. They recognize that their families are allowed to have visitors and that few of the current housing agency staff know about their felony conviction or remember that some of the

families signed documents prohibiting them from living in public housing. Given this understanding, many indicated that they would say, “I’m just visiting my moms,” or that “I stop by to help my moms when she needs me,” if confronted by housing agency staff.

They can say whatever they want to say, it’s their word against my mother’s, and my mother will just say I’m visiting. There are plenty of people there in the same situation. People just staying there.

Another popular strategy is staying off property or staying out of sight and limiting contact with housing agency staff. Respondents described how they reduced their overall exposure by staying out of hallways and rarely leaving the unit or building. They also stated that the housing agency rarely visits units. When they do visit a unit respondents believed that they must first notify residents by letter. Therefore, those trying to avoid detection by not leaving the unit indicated that they would vacate the apartment and the building on days that they knew the housing agency would be visiting.

Nobody knows that I’m not on lease and that I’m not supposed to stay there. And they won’t check. Once in a while they come by, but when they do it they let you know, and when they do I be gone.

For those avoiding contact by staying off property most days and returning at night, the schedule of their departure and return depended on the hours kept by housing agency staff. In general, these individuals tried to leave the building before staff arrived and after they left for the day, thereby certain that they would not encounter them anywhere on the building grounds. Respondents also noted that when they leave the apartment or when housing agency staff visit (including maintenance workers), they often hide their belongings to eliminate suspicion, particularly if they are sleeping on the couch and storing their belongings in a common area when there would normally be adequate bedroom space for all occupants listed on the lease.

While each respondent asserted that the housing authority does not know that they are living in the unit, most (87%) respondents indicated that other residents in the building know they are living with their parents in the apartment. Many (33%) asserted that other residents also know they were recently released from prison and living with their family because, “everyone there knows me since I was kid,” or “they know my family and what happened to me.”

Several also described how common problems resulted in common understandings, and that other residents know they were recently released from prison and living with their family because most other people in the building have family members in the same situation. In most cases (73%), respondents were not concerned that other residents know. They believed that these residents would not tell the housing authority or landlord that they are living in the unit.

Everyone knows that I’m back. But they don’t say anything. And mostly they all know what I’m going through because they have family just out of prison that are living with them too. So they’re in the same thing that I’m in and that my mother is in. If anyone ever asks them they say that they don’t know anything.

Finally, respondents stated that their fears were also balanced against the knowledge that they are only temporarily living with their family. These respondents indicated that they are planning to move out and get their own apartment as soon as they are able to find a job, save some money and locate an affordable apartment. They also reiterated that they would leave before their family is evicted, stressing that they did not want to put their family in jeopardy for what they considered to be a temporary living arrangement.

Because that's not going to be my permanent residence, I don't plan to be there. It's just somewhere for me to get on my feet and establish something stable. You know, in order to get an apartment you need to get a job. And I want to know that I can come home and sleep every night without the hassle of anything, and that's what she's given me. So it's just a transition place for me.

ACHIEVING HOUSING INDEPENDENCE

With the exception of one individual who is living with his wife in public housing, respondents indicated that they want greater independence and their own apartment. More than half (53%) stated that they feel stuck in their current living situation, are dependent on their parents and desperately want to build their own life.

Most (73%) respondents indicated that they want their own apartment because they are too old to be living at home with their parents or other family members. They also stressed that they need to have their own life and own things like all adults.

Because I need to be on my own. I'm 37 years old. It's time for me to make a life. Take on my responsibilities, have a life, you know do things on my own now, not have to worry about my mom doing things for me, because she has a lot of problems right now. So I need to do things on my own and get my own apartment. Have my own privacy, know what it is to pay a phone bill and cable bill. Hold on to money so that I can pay my rent.

Many explained that if they had their own apartment they would invite friends or girlfriends over. Under the circumstances of their current living situation this is impossible because they do not feel comfortable inviting people over to their family's apartment. Several stressed that this made dating and relationships particularly difficult and at times created embarrassing admissions that they are still living with their family. Others indicated that they want to have their own family and get married, which they felt was impossible without the privacy and independence of their own apartment.

The same reason why anybody wants to find their own place, independence. Everything being on my own, have things that are yours, your life feels empty without things that are yours. I'm 34 years old, I shouldn't be living with my mother right now. I should be out on my own with children and a wife and all that good stuff, you know. I should have a job and all these things.

Though emphatic about finding their own apartment, most respondents were concerned that they might not achieve their goal of finding, securing and sustaining an apartment over the short-term. Respondents asserted that it would be very difficult²⁰ for them to have their own apartment given the barriers to self-sufficiency that they were dealing with at the time of this study.

All respondents mentioned inadequate income and criminal history as significant barriers. They asserted that they either need a job or need a better paying job in order to afford rent for private a market apartment. They emphasized that it is hard for them to find employment because they have a felony conviction or lack skills.

Respondents also described how rents have inflated in their neighborhood and throughout the city. They indicated that before their last incarceration one could find and afford an apartment in their neighborhood. However, they noted that now it was almost impossible for them to afford an apartment in their neighborhood or other parts of the city. In addition to managing the demands of high rents, they stated that they would also need assistance with rental deposits and purchasing furniture.

TABLE 4: HOUSING INDEPENDENCE

| | |
|--|-------------|
| I want my own apartment and greater independence. | 93% |
| I feel stuck in my current living situation. | 53% |
| It would be difficult for me to get my own apartment today. | 100% |
| I need a job or a better paying job in order to afford rent on my own apartment. | 93% |
| I need help from family, friends and agencies to get my own apartment. | 73% |
| My parole officer helps me with my housing situation. | 0% |

They complained about the rules barring individuals with criminal histories from living in subsidized housing, particularly public housing, and explained that because of their criminal history there is little chance for them to have their own subsidized apartment. They considered this to be problematic because of their inability to afford private market rents, and wondered where they would find an apartment if these avenues are closed to them. Several noted that, “people don’t give you a chance,” and “even though I’m doing good they don’t care.”

Many recognized that their preference for staying close to their families also limited their housing options. Despite the fact that they were adamant about finding their own apartment, these individuals were unwilling to relocate far from their families in order to achieve this goal because their families need their help. However, given rising rents and an increasingly tight housing market in their neighborhood, they understood the limits of finding an affordable apartment in this area, and reluctantly acknowledged that they may have to look elsewhere for housing, including outside the city.

Despite these barriers, most (73%) respondents stated that finding, securing and sustaining both private market and subsidized apartments is less difficult when a service provider helps explain the process and advocates for an applicant. These individuals expressed optimism that such a group could help them find an affordable apartment. Respondents noted that they would seek assistance from local agencies for their apartment search, application submission, checking the status of their application, and character references. However, at the time of this study few (26%) of the respondents had approached a local service provider for this assistance.

Respondents also noted that service providers play a role in assisting them to keep the housing that they currently have and address barriers that limit their housing choices. Many (47%) respondents stated that these providers listened to their problems and helped them manage family relationships and conflicts that arose between them and their family. Most (93%) asserted that the service providers also play an important role in helping them with their substance abuse problems, and assist them with referrals for other health concerns including depression and access to HIV medications. While many (47%) noted that their participation in a drug program is important, they stressed that their councilors emphasize dealing with substance abuse as a first priority to the exclusion of other employment and housing goals. Respondents recognized their substance abuse problem as a fundamental barrier to having and sustaining both a good job and an apartment, but were frustrated that their housing goals are not recognized by their councilors and integrated into their treatment or other programs.

In contrast to social service agencies, respondents stated that their parole officers provide little assistance in supporting their current living situation or helping them to find a new apartment. Many (47%) stressed that “everything is left with the person” and that their parole officer is only concerned about weapons, drug use and other issues in the unit related to recidivism or the safety of the parole officer.

IMPLICATIONS FOR POLICY AND PRACTICE

OVERVIEW OF FINDINGS

The housing history for respondents before and after prison highlights the importance of family members in providing housing and support throughout their life. In most cases, they have lived with their families in subsidized housing for many years, both before and after multiple incarcerations, and few have ever leased their own apartment. In addition, as a result of criminal histories before their last incarceration, only a small percentage of respondents were on an apartment lease. Most were completely dependent on their families for housing prior to prison.

While in prison, respondents were interested in finding their own apartment after they were released. However, they were worried that this would not be possible given their criminal record and the difficulty they anticipated in securing employment immediately after their release. Many knew that they could be released to the shelter system, but this was an unappealing option because of the perceived living conditions at shelters and the potential for them to relapse and recidivate.

Taking into consideration these concerns, and with few other options provided by the prison system or release programs, all the respondents indicated that they planned to live with their family in subsidized housing while they were in prison. Although most were worried about being released to their family in subsidized housing because they feared that their criminal background could result in an eviction, the need and desire to live with their family outweighed these concerns.

Respondents indicated that they felt good about living with their families after prison because their families wanted them there and needed their help. They also indicated that they chose to live with their families because they too needed their support as they tried to stay clean, searched for employment, saved money and secured an apartment.

However, many were frustrated by their housing situation at the time of this study and worried that they could cause their family to be evicted from subsidized housing. While they were satisfied with numerous aspects of their living situation, especially the help and support their family gives them, they were anxious to build their own life. Most considered their living situation to be temporary, and hoped to use it as a stepping-stone toward a job and their own apartment. In the meantime, they are careful not to cause problems in the building and keep a low profile.

The path to securing their own apartment has not been easy for most of the respondents in this study. Even though the average age of respondents was 38, they have spent much of their adult life in prison, on the street, or living with their parents. Although most want to have their own apartment they must overcome a number of challenges before this goal is met, including a lack of experience in finding and securing an apartment. They also want to assist their family and stay close to home which limits their housing options. These conflicting interests and barriers to self-sufficiency keep many from beginning their apartment search despite their interest in achieving greater independence and the recognition that social service agencies could help them achieve their goal.

RECOMMENDATIONS

- **The relationship between families living in subsidized housing and returning prisoners should be supported when this valuable resource exists for a returning prisoner.**

Respondents in this report benefited from family support after their release from prison and counted on it as they set goals and strived to create a more self-sufficient life for themselves. When a returning prisoner has good relationships with family members that live in subsidized housing,

reentry agencies and service providers should encourage and support the involvement of these family members in assisting the returning prisoner after their release.

- **When an individual returns from prison to live with family in subsidized housing, service providers should include housing stability as a risk factor for these individuals and assist the returning prisoner in developing an exit strategy to secure their own apartment.**

When a returning prisoner is living in subsidized housing with their family but is not listed on the lease, service providers must be sensitive to the stability of this housing situation and watch for problems that could forewarn eviction for the returning prisoner or their family. If service providers are proactive they could help preempt evictions for families in subsidized housing, ease premature departures from the unit for a returning prisoner and identify alternative housing strategies over time as opposed to responding on short notice to an emergency situation.

In addition, service providers must recognize the housing goals of these individuals and work with them to secure their own apartment. They should integrate housing goals into individual development and action plans across services, and establish exit strategies that define how the returning prisoner will leave their family's subsidized housing unit if this is their goal.

- **Living with family members in subsidized housing should be allowed as a transitional housing option for pre-screened individuals returning from prison.**

Despite lease restrictions barring off-lease residents and individuals with criminal histories from residing in subsidized housing, respondents in this study were able to navigate these restrictions without causing their families to be evicted. Although this resulted in anxiety and a number of inconveniences for them, they felt certain that they could continue to live in subsidized housing with their families if they did not recidivate. This highlights the difficulty of enforcing these policies, especially in large developments or for large housing agencies.

Given the fact that returning prisoners are residing in subsidized housing with family members despite policies that restrict their residence in these units, housing agencies should consider more proactive policies that legitimize and regulate this phenomenon. By admitting returning prisoners and adding them to the lease of units where their family members currently reside, housing agencies can reconnect them with their families, while also opening up a much needed source of housing for these individuals. This will not cause additional strain on the short supply of subsidized housing, because the family is already in the system and receiving a housing subsidy. In the event that adding a returning prisoner results in the need for a larger unit, the housing agency could arrange for a transfer to an appropriately sized unit before the returning prisoner rejoins the family.

The official admission of returning prisoners to subsidized housing is allowable under existing federal regulations, and would not require new federal legislation or major policy changes on the local level. Instead, entities managing federally assisted housing would only need to make a subtle realignment of priorities in their admissions policies. This would include implementing existing federal regulations that allow local agencies to consider mitigating circumstances (e.g., the issues surrounding the crime no longer exist, completion of substance abuse program, participation in supportive services program etc.) and rehabilitation in the admission of individuals with criminal histories. These clauses could be used to make living in subsidized housing with family members a legitimate transitional housing option for some recently released prisoners.

Housing agencies, parole officers and service providers could collaborate to prescreen returning prisoners interested in living with their family in subsidized housing. This process would assess their risk for recidivating or relapsing, and determine their eligibility for admission based on criteria defined by participating housing agencies. Returning prisoners who meet the screening criteria

could also be required to participate in supportive services programs during the time that they live in the apartment and work with service providers to develop an exit strategy for leaving the unit.

Housing agencies and communities impacted by high prisoner return rates could benefit from admissions allowances for returning prisoners. First, formally admitting returning prisoners to subsidized housing would give housing agencies greater capacity to monitor and support returning prisoners, improving their ability to control the potential impact of these individuals and address concerns over this population increasing crime in the development. Second, it could increase the amount of rent collected for each unit when a returning prisoner is on the lease and employed. In addition to these benefits, allowing some returning prisoners to live in subsidized housing with family members would provide a much needed housing resource for returning prisoners and help alleviate pressures on other reentry housing programs and the shelter system in communities impacted by high return rates.

- **Entities managing subsidized housing should forge new partnerships to proactively address the issue of returning prisoners who reside in federally assisted units.**

Many housing agencies have partnerships in place to address public safety matters and crime prevention on federally assisted housing properties. However, partnerships and services aligned to support families dealing with an individual returning from prison are often underdeveloped or non-existent due to local admission and lease policies that bar these individuals from living in subsidized housing.

Housing agencies intent on implementing policies that allow returning prisoners to live with family members in subsidized housing must create new partnerships in support of this policy shift. Housing agencies should partner with parole agencies, substance abuse service providers, employment service providers and link case managers across participating agencies to implement these admission policies. Each agency would be involved in a coordinated effort to help the family support the returning prisoner and to help the returning prisoner achieve their goal of housing independence.

- **Service providers should develop partnerships to support escrow accounts for returning prisoners living in subsidized housing.**

Escrow accounts for returning prisoners living in subsidized housing would be dedicated funds for renting an apartment, purchasing a home, education or job training expenses. The accounts could be modeled after existing Family Self Sufficiency (FSS)²¹ accounts for residents of public housing or housing choice voucher units, managed by local housing agencies and held at financial institutions.

Households that include a returning prisoner would sign a participation contract for a specified number of years and contribute to these accounts when members of the household are employed. The participation contract would list housing independence for the returning prisoner as a primary goal. As with FSS accounts, a baseline tenant rent payment for residence in federally subsidized housing would be established at 30% of a household's income. Increases in income over time would result in increases in the tenant contribution. However, the difference between the baseline payment and the new payment rate would be invested into an escrow account for the returning prisoner. Ideally these escrow accounts would be structured to allow for matched contributions from public or private sources to accelerate their growth.

Escrow accounts targeting returning prisoners would provide an incentive to find and maintain employment, and accelerate savings toward securing an apartment. In addition, this resource could be used for rental applications, rental deposits, furniture, and rent payments over the short-term.

Escrow accounts could also provide a safety net for rent payments in the event that an individual loses their job and an emergency housing fund if a returning prisoner is evicted from subsidized housing before they can move as stipulated in their overall housing plan.

- **Services for returning prisoners who live with family in subsidized housing should be coordinated and aligned to support these individuals as they navigate a continuum of housing independence from prison to their own apartment.**

Although housing independence is a long-term goal for many of the respondents in this study given the barriers that they are confronting, it should be an integral component of service plans across the spectrum of services provided to returning prisoners who are living with family in subsidized housing. This process needs to begin in prison.

Pre-release planning must include a discussion of housing options, and in the case of prisoners intending to return to subsidized housing with their families, service providers in these neighborhoods should be connected to both returning prisoners and their families to begin planning this move and developing a long-term housing plan. This plan should include several strategies for exiting their family's apartment, in case there is need for an emergency move due to an impending eviction and in fulfillment of their long-term housing goal.

Service providers should first work to stabilize returning prisoners in subsidized housing after their release, so that they are less prone to recidivate and potentially cause themselves and their family to be evicted. Family members should be partners in supporting this process and the returning prisoner. However, they should also be recipients of case management and services needed to support the entire household. The goal should be to fully engage families in identifying priorities and resources, including existing family resources, that best respond to housing and other needs. This would enhance family support to returning prisoners by helping to maintain positive relationships, identify family issues and ensure needed follow-up.

These efforts would provide the returning prisoner with a relatively stable housing foundation over the short-term, while preserving and possibly enriching valuable family networks that may be needed in the future. Simultaneous to these efforts service providers should actively connect returning prisoners to services that address the barriers they face in achieving housing independence and greater self-sufficiency, including substance abuse and employment. These services and their related milestones should be presented as steps toward housing independence for returning prisoners who have this as their ultimate goal.

Service providers, returning prisoners, and family members should periodically revisit the long-term housing goal established while in prison and identify ongoing strategies for achieving this goal after the returning prisoner is stabilized in the subsidized unit with their family. They should also evaluate housing status as a risk factor and be responsive to changes in this indicator, accelerating both emergency and long-term exit strategies from the subsidized unit if needed. Progress relative to housing barriers and the stability of a returning prisoner's existing housing situation would define the timeline and conditions under which housing goals could be pursued.

CONCLUSION

Based on the findings presented in this report, living with family in subsidized housing is an important source of transitional housing for some returning prisoners. Housing agencies should explore how this resource could be formalized for returning prisoners, including strategies for ensuring proper safeguards and management of the property. The ultimate goal should be for service providers, housing agencies and criminal justice agencies to assist returning prisoners to

best use this housing and support from family members as they navigate a continuum of progressively greater housing independence.

The recommendations in this report highlight options for supporting returning prisoners in their goal of greater self-sufficiency and housing independence, while also helping them to maintain a meaningful connection with their families in subsidized housing. Although the challenges remain significant, these efforts could help stabilize the federally assisted families supporting these individuals, and at the same time, improve the short-term outcomes and long-term prospects of returning prisoners.

¹ Three percent of these individuals lived in public housing and three percent lived in HCV units. LaVigne, Nancy, Christy Visher and Jennifer Castro. 2004. *Chicago Prisoners' Experiences Returning Home*. Urban Institute: Washington, DC.

² Robert Taylor Homes was demolished under the HOPE VI program. At the time of this study and before demolition, residents were either residing in public housing units at Robert Taylor Homes (89%) or were relocated (11%) from this development to live in other federally subsidized units. Among residents interviewed for the study, 29% reported that they would receive a returning prisoner within the next nine months, while an additional 12% reported that they would receive a returning prisoner within the next two years. Venkatesh, Sudhir. 2002. *The Robert Taylor Homes Relocation Study*. The Center for Urban Research and Policy. Columbia University: New York, NY.

³ Interviews were conducted with 15 individuals participating in La Bodega de la Familia, a comprehensive case management and substance abuse program in New York, NY. Respondents were randomly selected from the caseload of this service provider and chosen for the study if they were released from prison to live with their family in federally assisted housing. Most entered this program immediately after their release from prison. The average length of participation in this program and amount of time since they were released from prison was 16 months, with half of all respondents having been released within the last year. All but one of the respondents was male and most were Latino. A majority had been in and out of prison multiple times. Scales were used throughout the interview protocol, and respondents were asked to both provide a ranked response and the reason for why they gave the item that rank. However, in most cases, respondents were asked open-ended, in-depth questions about their experiences, allowed to answer in any way they chose and further queried through a set of follow-up probes that were used across all respondents. Content analysis was conducted on the open-ended responses using Atlasti, a content analysis software that facilitates the management and analysis of large bodies of text. This resulted in numerous micro-themes, which were grouped into over 100 larger theme families and organized by protocol question. This process resulted in a data matrix with frequency counts for each theme by respondent. The frequency counts were reduced to binary categories, signifying whether a theme appeared or did not appear in responses to a given question for each respondent. The proportion of respondents mentioning each theme across each question in the interview protocol was then calculated from this matrix. These proportions and associated scale responses form the basis of the analysis in this report.

⁴ The Housing Opportunity Program Extension Act of 1996, or the Extension Act, gave "Public Housing Authorities (PHAs) new authority to deny occupancy on the basis of proven illegal drug-related activity and alcohol abuse." The act also required that PHAs use these new authorities and implement policies on the local level to enforce these provisions. The Extension Act effectively introduced expanded and more stringent screening and eviction for subsidized housing that was codified by law and local policies. U.S. Department of Housing and Urban Development. 1997. *Meeting the Challenges: Public Housing Authorities Respond to the "One Strike and You're Out" Initiative*. Washington, D.C.: Office of Public and Indian Housing. Pg. xvii – xv.

⁵ U.S. Department of Housing and Urban Development. 1997. *Meeting the Challenges: Public Housing Authorities Respond to the "One Strike and You're Out" Initiative*. Washington, D.C.: Office of Public and Indian Housing. pg. vi.

⁶ QHWRRA extended admissions and continuing occupancy polices for criminal activity and criminal history to most federally subsidized housing programs, including: Housing Choice Vouchers (Section 8), Project-based Section 8, Section 221, Section 202, Section 811, Section 236 and housing assisted by the Rural Development Administration under Section 514 or Section 515 of the Housing Act of 1949; 66 Fed. Reg. 28,776 (May 24, 2001); U.S. Department of Housing and Urban Development. 2001. *New Directions – Public and Assisted Housing Reforms for the 21st Century: Conference Handbook*. Washington, DC: Office of Public and Indian Housing. pg. v.d.6.

⁷ 24 CFR § 960.203

⁸ 24 CFR § 960.204

⁹ 24 CFR § 960.204

¹⁰ 24 CFR § 960.203

¹¹ 24 CFR § 960.203

¹² Consistent with federal regulations, the New York City Housing Authority (NYCHA) enforces admissions and continuing occupancy policies that ban individuals with criminal histories from living in subsidized housing for a specified period of time, which in some cases are significantly higher than federally mandated minimum requirements. The bans range from two years after completion of last sentence for Class A and B misdemeanors, to six years after completion of last sentence for Class A, B and C felonies. NYCHA defines completion of sentence as including probation, parole and payment of fine.

¹³ Landau, Rue. 2002. Criminal Records and Subsidized Housing: Families Losing the Opportunity for Decent Shelter. (in) *Every Door Closed: Barriers Facing Parents with Criminal Records*. Eds. Amy Hirsch et al. Washington, DC / Philadelphia, PA: Center for Law and Social Policy and Community Legal Services. pg. 45.

¹⁴ In some cities, families can wait up to 33 months for public housing apartments and HCVs, with an even longer waiting period in large urban areas. U.S. Department of Housing and Urban Development. 1999. *Waiting in Vain: An Update on America's Rental Housing Crisis*. Washington, DC: Office of Policy Development and Research. pg. iii.

¹⁵ This was measured on a five-point scale with one being least worried and five being most worried. The average score across all respondents was three (moderately worried), with 46% being very worried, 7% moderately worried and 46% not worried. Respondents who were not worried asserted that they knew they could always live with their family despite regulations barring individuals with criminal histories from living in subsidized housing.

¹⁶ Two respondents who were initially released to live with family members in subsidized housing were living in the shelter system at the time of this study. These individuals were asked to rate and discuss their current living situation in the shelter, while also answering questions about their experiences in public housing prior to their move to the shelter system.

¹⁷ This was measured on a five-point scale with one being least satisfied and five being most satisfied. The average score across all respondents was three (moderately satisfied), with 40% being very satisfied, 20% moderately satisfied and 40% not satisfied.

¹⁸ This was measured on a five-point scale with one being least important and five being most important. The average score across all respondents was four (very important), with 73% stating it was very important, 7% moderately important, and 20% not important.

¹⁹ This was measured on a five-point scale with one being least worried and five being most worried. The average score across all respondents was four (very worried), with 80% being very worried, 0% moderately worried and 20% not worried.

²⁰ This was measured on a five-point scale with one being not difficult and five being very difficult. The average score across all respondents that wanted their own apartment (93%) was five (very difficult), with 100% stating it would be very difficult, 0% moderately difficult and 0% not difficult.

²¹ 24 CFR § 984.101 to 984.401. "The purpose of the Family Self-Sufficiency (FSS) program is to promote the development of local strategies to coordinate the use of public housing assistance and housing assistance under the Section 8 rental certificate and rental voucher programs with public and private resources, to enable families eligible to receive assistance under these programs to achieve economic independence and self-sufficiency."