



Monday, June 10, 2024

U.S. Department of Housing and Urban Development
Office of the Secretary
Adrienne Todman, Acting Secretary
Office of the General Counsel
Damon Smith, Esq., General Counsel
451 7th Street, S.W.
Washington, DC 20410

Docket No. FR-6362-P-01

Title: Reducing Barriers to HUD-Assisted Housing

RIN: 2501-AE08

Dear Acting Secretary Todman and Mr. Smith:

The [Hartford Foundation for Public Giving](#), based in Hartford Connecticut, appreciates the opportunity to submit comments regarding the proposed rule, *Reducing Barriers to HUD-Assisted Housing* (Docket No. FR-6362-P-01). The proposed rule revises existing regulations governing the review and admissions of HUD-assisted housing programs applicants with criminal records or history of involvement in the criminal justice system, and evictions or assistance terminations of tenants on the basis of illegal drug use, drug-related criminal activity, or other criminal activity.

We commend HUD’s ongoing work to grapple with these issues which present a complex legal and moral landscape that require balancing health and safety protections for HUD-assisted housing residents, Fair Housing Act and other civil rights requirements, and common-sense considerations.

The Hartford Foundation for Public Giving is the community foundation for the 29-town Greater Hartford region. Our strategic goals are to dismantle structural racism and to advance equitable social and economic mobility, focusing on Black, Latine and other underserved communities in Greater Hartford. Our grantmaking addresses often interrelated outcomes, including increasing access to basic human needs (e.g., food security, shelter, physical/behavioral health) and housing stability, as well as high school completion and access to post-secondary education leading to stable employment to advance careers for residents in our region who have limited access to opportunities, including the men and women returning from incarceration and opportunity youth ages 16 to 24, out of school and work and may be involved with the court or foster care systems. **Our recommendations are grounded in the Foundation’s experience supporting reentry and other programs addressing the needs of justice-system involved populations.**

Over the past two years, the Foundation has distributed \$104.5 million in grants to promote equitable opportunity for all residents in our region. Since its founding in 1925, the foundation has awarded \$998 million in grants through the gifts of generous individuals, families and organizations.

The proposed rule documents the reentry challenges we have seen through our work—housing insecurity, limited access to health care, food insecurity, and barriers to education and employment, as well as the disparate impact on Black and Latine populations disproportionately represented in many

prisons and jails nationally, including in Connecticut. **Access to housing is a basic need, which makes it possible for all of us to obtain and sustain work, connect with family and other networks, and contribute to community.**

The Hartford Foundation has supported reentry and other services for justice system-involved populations for many years. **We recognize that public-private collaboration and funding enhances our collective ability to address individual needs and to sustain the work.** Adequate public agency coordination and interdisciplinary support are essential in addressing housing, and wraparound substance abuse counseling and physical and mental health needs that data show are prevalent in youth and adult reentry populations. No one can accomplish this work alone. **We appreciate the federal interagency work underway. If adopted, the revised rules could strengthen HUD housing support of state and local efforts to address housing needs of justice-system involved populations.**

The proposed rule includes a review of HUD's work over two decades to guide HUD-assisted housing providers, including informing the work with insights shared at listening sessions in 2022 that engaged providers, community organizers, legal services organizations, reentry and other service providers, as well as people formerly incarcerated. We continue to need clear regulations that provide adequate guidance and allow the flexibility needed in making individual admissions assessments and considering evictions. **The work will benefit from continuing to tap local insights and developing processes for greater coordination with state and local stakeholders as part of HUD's assessment of what is working and not working and to increase fair access to HUD-assisted housing.**

Since 2007, the Hartford Foundation has funded reentry services to help returning citizens succeed, including pre-release planning; job readiness and industry training; accessing housing, health, transportation and other basic needs; and employment assistance. This has included support for the [Reentry Welcome Center in Hartford](#) led by **Community Partners in Action**, with additional funding from the City of Hartford and other state and federal resources and working with a broad referral network of service providers.

Since 2015, the Foundation also has been supporting the [BEST Chance reentry program](#) coordinated by **Capital Workforce Partners**, the workforce development board in our region, with support from the Connecticut Department of Labor and other state funding, and a network of training and other providers. Both reentry programs provide returning citizens with support in addressing basic needs, including through flexible funding for participant support (e.g., resources for IDs, license fees, support in securing apartments) as well as referrals to community-based food, shelter, health, and other programs.

Foundation staff served on the **Connecticut Commission on Women, Children, Seniors, Equity & Opportunity's** reentry housing task force which was charged by the Connecticut General Assembly to study housing options for persons reentering the community after incarceration and recommend an evidence-based housing policy for such persons. These findings and recommendations were shared in the report [Hope for Success: Returning Home](#).

Our experience in supporting returning citizens has reinforced important lessons:

- Housing is an essential resource.

- The stigma encountered by returning citizens as they pursue employment and housing can contribute to losing hope.
- Individuals can become contributing members to their families and community, and their progress in making a successful transition needs to be recognized and rewarded. The transition begins pre-release and continues in the community through a continuum of support.

The [Connecticut 2024 State of Reentry \(SOR\) Report](#), commissioned by **Career Resources Inc.**, in collaboration the state's reentry center and other leaders, highlights the barriers people face upon their release. **This is the third year the annual State of Reentry study documented persistent challenges related to housing insecurity.** The 2024 report continued to document that Black/African Americans and Hispanic/Latino Americans are disproportionately represented within Connecticut's correctional facilities relative to their population size. **This underscores the need to continue to address racial discrimination in access to housing opportunities.**

Connecticut Department of Correction data in the report indicated that **16 percent of people in the study reported immediate housing instability.** Reentry welcome center providers in Bridgeport, Hartford, New Haven, New London, and Waterbury reported higher housing insecurity. As people return to the community, they often do not have housing they own or rent. The report acknowledges that people frequently look to family and friends to provide housing while they find a job and attend to other basic needs. This also may include navigating admission to HUD-assisted housing. When families or friends are not able to help or have limited ability to provide long-term support, people reentering look to limited **transitional housing or emergency shelter options** provided by the state, local and other nonprofit organizations. These options are needed and often require substantial resources to scale and sustain. Typically, they do not offer the long-term housing stability needed. **Data also documented that 65 percent of people with sentences ending within six in the study did not have a high school diploma.**

Connecticut is also facing a housing crisis, which has become more acute following the pandemic. According to the **Partnership for Strong Communities**, with rents increasing more than 20 percent and continuing to rise, more than 119,000 renter households in Connecticut are severely cost burdened, meaning these families spend more than half of their income on housing costs. More than half of severely cost burdened households are Black and Latine renters. You need to earn \$31.93 an hour to afford a two-bedroom apartment in Connecticut, far above the state hourly minimum wage of \$15.69. Experiencing a housing cost burden leaves families at greater risk of eviction and homelessness which also is driving the state's housing crisis. **Addressing these challenges following release from incarceration is even more precarious due to the stigma and discrimination often encountered.**

Under the proposed regulations, public housing agencies (PHAs) and owners of HUD-assisted multifamily housing, when making an admissions decision, would be **required to use an individualized assessment that only considers criminal records relevant to endangering health and safety** of staff and residents and would be required to provide full consideration to mitigating factors and contextualizing circumstances. PHAs and assisted housing would consider multiple sources of information, including but not limited to the recency and relevance of prior criminal activity. The proposed rule also requires the establishment of a **"lookback period,"** limiting the reliance on old convictions and would provide, for all

programs, that **prohibiting admission for a period of time longer than three years** following any particular **criminal** activity is “presumptively unreasonable.” PHAs and HUD-assisted providers would not be able to make decisions based on criminal history that research indicates is not predictive of future criminal activity; that is irrelevant to safety, health, or fitness for tenancy. We support continuing to examine recidivism data nationally to inform the lookback period, as well as acknowledging that providers need to review the full circumstances to make balanced, reasonable individual assessments.

The intent of the proposed revisions is to continue to afford discretion to PHAs and HUD-assisted housing owners while providing direction on adopting and implementing fair, effective, and comprehensive admissions and termination policies. **We commend HUD’s efforts to further clarify criteria for owners and managers of HUD-assisted housing in assessing whether an applicant with a criminal record can meet the terms of the lease.**

We offer these considerations as you finalize the revised regulations:

- **Strengthen PHA and HUD-assisted housing provider education and engagement** on reentry challenges and connections to existing and new state and local programs that can support people during reentry. Without necessarily endorsing programs, participation in them can be evidence of continued support and progress in making a successful transition and rehabilitation. Consistent connections to family support as well as programs and other networks can also be good indicators of rehabilitation.
- **Support adequate training:** Explore offering PHAs and HUD-assisted housing owners adequate, regular training to support balancing the important legal requirements and broader considerations, assessing criminal offenses, mitigating factors, contextualizing circumstances, rehabilitation factors, assessing substance use, as well as addressing personal biases, racial discrimination, assessing perceptions or concerns of other tenants, and public stigma associated with incarceration.

Trainings could share hypothetical examples of when a criminal record may no longer threaten the health, safety, or right to peaceful enjoyment of the premises of other residents. This may also help ensure there is consistency in evaluating individual assessments. Local experts who have worked in the criminal justice system could offer strategies for assessing complex cases that may come before PHAs housing staff involving serious offenses. **To save costs, trainings could be offered virtually or in webinars that can be recorded and reviewed again.**

PHA staff and HUD-assisted providers also may need support in developing the relationship needed to engage applicants about their criminal record that supports open communication while maintaining confidentiality.

We appreciate that the proposed changes would prohibit consideration of arrest records alone, without other reliable evidence of criminal conduct, for exclusion from housing, and provide criminal conduct or other findings for exclusionary decisions based on a preponderance of the

evidence. This would establish and clarify standards and requirements for making key determinations consistent with HUD current guidance for housing providers and public housing agencies. **Implementing these standards in practice will also require adequate training of PHA staff and others without experience in applying legal concepts.**

- **Use asset-based language:** Continue to review terms used in the revised rule to avoid reinforcing stigma and biases about people returning from incarceration. Terms like “released prisoners” naturally may raise stereotypical images.
- **Enhance publicizing revisions regularly:** Develop procedures to ensure the revised regulations, review processes, timing, and applications and any forms used to document mitigating factors are well publicized, accessible, and shared with local nonprofits and other agencies supporting people reentering to the community.
- **Address limited literacy skills:** Data show that people returning from prison and jail can have limited reading and writing skills and may need support in reviewing the accuracy of their criminal records, completing applications and follow up, and working with case managers in local reentry and other programs.
- **Notify applicants of changes at time initial applications:** Explain the revised rule for applicants with criminal records to all housing applicants when initial applications are made. This will provide advance notice to facilitate beginning reviewing criminal records and documenting mitigating factors rather than waiting for the 15-day notice period for responding to begin running. In assessing the notice period, consider that the people applying may not have regular access to technology and limited experience using it.
- **Consider the impact of substance abuse:** The [2024 Connecticut State of Reentry Report](#) highlighted substance use and mental and physical health issues continue to present challenges to successful reintegration of returning citizens into Connecticut communities. **Ninety three percent of people who were incarcerated with sentences ending within six months** had a substance use problem, with 48 percent reporting to have a serious or extremely serious substance abuse. Substance use counseling is not always readily accessible, and some federally controlled substances are accessible, including cannabis.

Substance abuse is often considered a chronic illness, with people in stages of managing their addiction, and who may experience relapses during their recovery. **Factors that can be considered in assessing progress towards controlling this health challenge include the formal and informal supports people are tapping, including consistent peer, family or program supports. Another indicator of stability is the ability to hold a job once working, recognizing that it can be more difficult to secure employment.**

The Housing Opportunity Program Extension Act states that in determining whether a person’s use of a controlled substance or pattern of alcohol abuse may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents of the development, the authority administering the program may consider whether an applicant has been rehabilitated from drug or alcohol abuse. This is an assessment that would benefit again from training.

The State of Reentry report also documented that 37 percent of people incarcerated with an end of sentence date within six months reported having a moderate to severe mental health disorder.

Without probing medical issues that should remain confidential, assessment of the kind of support applicants have through formal and informal networks will again be helpful in assessing their ability to meet lease requirements for people who may be managing mental health challenges.

- **Continue to evaluate impact of revisions:** We recommend continued assessment of the impact of the revised rules once adopted through engaging state and local stakeholders, including people who have lived reentry.

The Hartford Foundation for Public Giving welcomes the opportunity to consider issues with federal, state, and local policymakers, government partners, advocates, and businesses to reduce barriers to access to housing to ensure that all residents have an opportunity to participate in the workforce, achieve economic stability, and to reach their potential. We would welcome further exploring ways of supporting application assessments to help ensure that the revised rule changes result in expanding access to HUD-assisted housing programs.

Thank you for the opportunity to provide comments. If you have any questions, please feel free to contact Judy McBride, Director of Strategic Partnership Investments, at JMcBride@hfpg.org or 860-548-1888.