

Landscape Analysis of the District of Columbia

HOUSING AS A PATHWAY TO JUSTICE

About Enterprise Community Partners

Enterprise is a national nonprofit that exists to make a good home possible for the millions of families without one. We support community development organizations on the ground, aggregate and invest capital for impact, advance housing policy at every level of government, and build and manage communities ourselves. Since 1982, we have invested \$64 billion and created 951,000 homes across all 50 states, the District of Columbia, Puerto Rico, and the U.S. Virgin Islands – all to make home and community places of pride, power, and belonging. Join us at enterprisecommunity.org.

About Arcstratta

Arcstratta is a woman of color-owned professional services firm that provides research, evaluation, and management consulting services to local, national, and international public and private entities through an equity, cross-cultural, and multidisciplinary lens. We partner with clients in developing and advancing social, health, and economic interventions focused on underserved and vulnerable populations. Our services deepen clients' understanding of the communities they support, enhance their strategies, and sharpen operational and programmatic frameworks to strengthen their impact.

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Executive Summary

One hundred (100) million people live in the United States with criminal records and compromised ability to secure housing. Enterprise Community Partners engaged in a landscape assessment of the intersection of the housing and criminal legal system in the District of Columbia to address this need for individuals with legal system involvement. The assessment of this important market in Enterprise's Mid-Atlantic portfolio included a literature review, key informant interviews, and case studies that provided an overview of the market's context, needs, resources, and barriers; a map of the carceral and provider systems; and profiles of housing service delivery models.

The District of Columbia is a thriving majority-minority city yet has the 8th highest incarceration rate in the world and struggles with developing and preserving affordable and subsidized housing. The District's carceral system is unique, as residents sentenced to prison are incarcerated in Federal Bureau of Prisons facilities outside of the city, which poses additional challenges to their release and reintegration. The lack of a male halfway house in the city further complicates reentry. Studies have found that one in five individuals returning to the District of Columbia under parole or supervised release experienced homelessness within three months. More than 11% of individuals in the District of Columbia's community supervision program had unstable housing, and three-quarters resided in shelters.¹ More than one-half of the city's homeless population has had justice system involvement.

Furthermore, a recent study found housing instability and serious mental illness as the strongest predictors of recidivism 3, 6, and 12 months from release. The combination of mental health and substance use challenges, housing instability, and prior violent crime charges significantly increased the likelihood of rebooking.²

The District of Columbia Housing and Reentry Landscape

The District of Columbia housing market is the fifth most expensive in the nation, posing challenges for returning citizens and lower-income residents. The average rent increased from \$1,700 to \$2,200 between 2015 and 2022.^{3,4} The current median rent is \$2,581. The city has 40,000 residents who cannot afford more than \$750 in monthly rent and has 800 units at this price point.⁵

The city has made record investments in its Housing Production Trust Fund, which in recent years included \$80 to \$100 million and increased to \$499 million in fiscal year 2023. However, the city's

¹ Trovato, Maria (September 9, 2020). *Nonprofit explores what it will take to provide immediate housing for returning citizens*. <https://streetsensemedia.org/article/returning-citizens-incarceration-jubilee-housing/>

² Sill, K., & Diaz, L. (2020). *Analysis of the effect of housing instability on rebooking at DOC*. Washington, DC: Criminal Justice Coordinating Council. Available at [DOC Housing Instability Rebooking Analysis Report.pdf \(dc.gov\)](https://www.doc.dc.gov/sites/default/files/DOC_Housing_Instability_Rebooking_Analysis_Report.pdf)

³ <https://www.zillow.com/rental-manager/market-trends/washington-dc/>

⁴ Rent Café (2023). *Washington, DC Rental Market Trends*. <https://www.rentcafe.com/average-rent-market-trends/us/dc/washington/>

⁵ D.C. Policy Center (April 2020). *Appraising the District's rentals- Introduction*. <https://www.dcpolicycenter.org/publications/appraising-the-districts-rentals-chapter-i/>

administration has not met the requirement of investing 50% of Housing Production Trust Fund dollars in housing for families with 30% of the District's median income. In 2020, \$82 million designated for affordable housing for low-income residents was misspent on housing for higher-income households.⁶ Further complicating housing opportunities for the city's most vulnerable residents is its Public Housing Authority, which was rated the poorest performing in the country.

Providers interviewed described the needs of returning citizens as numerous, intersecting, simultaneous, and urgent. These needs included reacclimating to the community, obtaining government identification and documentation, employment, education and training, mental and physical health care, substance use disorder treatment, and legal and financial support. Housing-related challenges include inaccessible public housing; insufficient and inefficient voucher programs; housing provider discrimination; insufficient transitional and permanent housing; and residents' and landlords' understanding of housing laws, rights, and protections.

Interviewees described a general lack of funding specifically to serve returning citizens. Existing funding is not designed to meet the population's service or housing needs. The only dedicated funding is workforce related. Interviewees expressed the need for comprehensive housing development funding for returning citizens that includes capital, operations, and program/service funds.

There is a growing intersection between the housing and reentry sector as more reentry providers are addressing housing services, including the DC Taskforce on Jails and Justice. The District also recently had the largest civil penalty in a housing discrimination case in U.S. history. The city has made some advancements with its criminal legal reform and housing legislation by passing the 2016 Fair Criminal Record Screening for Housing Act, which limits access to criminal records during the housing application process until a conditional offer is made. The Second Chance Amendment Act of 2022 permits automatic expungement and sealing of certain criminal records. The proposed Stop Discrimination by Algorithms Act will have implications on housing providers' use of software processing application decisions, particularly with applicants with justice system contact.

Cross-case study analysis of four Mid-Atlantic (District of Columbia and Baltimore City) reentry providers revealed that resource and fundraising capacity, social capital, limited resources, government agency inefficiencies, and their beliefs about effective programming for clients shaped their models. Most were engaged in transitional housing, often using a scattered site model. Providers deeply appreciate the need for permanent housing for returning citizens. Many, however, do not have the capacity or incentive to offer it. Providers face barriers in securing housing for their clients due to public opinion that characterizes individuals as safety risks rather than fellow community members who share a fundamental need for shelter, security, and safety.

⁶ Lang, M. J. (October 1, 2021). *D.C. misused nearly \$82 million meant to provide housing to the city's poorest residents, IG says*. <https://www.washingtonpost.com/dc-md-va/2021/10/01/dc-inspector-general-affordable-housing/>

Strategies to Increase Housing Access and Support for Returning Citizens

Housing justice and post-release success lies beyond recidivism. Key considerations for Enterprise as convenor and advocate include:

- Encourage funders to design grant applications and management processes that are responsive to provider capacity.
- Advocate for comprehensive returning citizen-specific housing programming and funding resource opportunities (e.g., Affordable Resident Services Act).
- Encourage funding for permanent housing and comprehensive supportive services for returning citizens that includes capital, operational, and program service funding, and/or encourages developers/housing providers to collaborate with existing community-based reentry providers.
- Assist with know-your-rights initiatives/campaigns specifically designed for returning citizens.
- Support and encourage efforts to examine and effectively respond to local Public Housing Authority practices for individuals with justice system contact.
- Encourage the allocation of financial assistance (e.g., guaranteed basic income) and benefits for returning citizens at impactful levels, including single/unmarried individuals.
- Encourage research that produces knowledge on the spectrum of service and housing needs of returning citizens, assesses real versus perceived risks pertaining to housing justice-involved individuals/returning citizens, and identifies promising and best practices in the field.
- Continue to transform existing deficit-based narratives grounded in stigma, discrimination, and exclusion to strengths-based and trauma-informed narratives.

Key considerations as provider and program collaborator:

- Encourage investment and participation in scattered site housing models. Leverage existing reentry provider databases to identify providers that can refer tenants with justice system contact.
- Consider increasing trauma-informed engagement, research, and data opportunities to inform Enterprise's advocacy, programmatic, and convening efforts.
- Examine how to integrate a trauma-informed perspective into housing design and resident services.
- Continue to examine the U.S. Department of Housing and Urban Development's 2016 Guidance on Application of Fair Housing Act Standards to the Use of Criminal Records by Providers of Housing and Real Estate-Related Transactions and local legislation that may have implications on housing application processes.

Section I: District of Columbia Landscape Analysis Overview

1. Introduction

As the country's most comprehensive national affordable housing provider, Enterprise Community Partners (Enterprise) recognizes the pronounced inequities at the intersection of the United States legal system and access to economic, health, and social resources. As demonstrated by this literature review and Enterprise's mission, stable housing is the foundation from which individuals -- especially those with legal system involvement -- and their children and families can meet their basic needs and contribute to and build thriving communities and just societies.

The United States has the highest incarceration rate in the world, with more than two million people in prisons, jails, detention centers, and other involuntary confinement.^{i,ii} Approximately four million people are under community supervision (i.e., probation, parole, pre-trial supervision), and 600,000 individuals are released from prisons annually.^{iii,iv,v,vi} The broad reach and impact of the criminal legal system on communities is evidenced by the fact that nearly one-half of adults have an immediate family member who has been incarcerated, and one in four (100 million) adults in the U.S. has a criminal record.^{vii,viii} Due to persistent racism and marginalization, Black and Brown men and women are three times more likely to be incarcerated than all adults and six times more likely than White adults.^{ix}

Systemic racism and discriminatory policies are structural and intersecting barriers that adversely impact people with criminal legal system involvement, particularly Black and Brown communities. Furthermore, communities with high poverty rates, underemployment and unemployment, unstable housing, and that are systematically deprived of resources are more likely to have higher arrest rates, conviction rates, and more severe sentences than other communities.^{x,xi,xii} Research suggests that up to 15% of incarcerated people experienced homelessness in the year prior to incarceration.^{xiii} Formerly incarcerated individuals are approximately ten times more likely to experience homelessness than the general population, and people of color, women, and those who have been incarcerated more than once are at even higher risk of homelessness. These racial, ethnic, gender, economic, social, and health disparities have significant effects before, during, and after incarceration and are critical to reduce to improve individuals' well-being and sustained return to their communities.

Incarceration not only has lasting impacts on the individuals who are imprisoned but also has multigenerational implications for their children, families, and communities. Unique opportunities exist to address these realities and challenges in the Mid-Atlantic region, particularly in the District of Columbia. The District of Columbia is central to some of the country's larger and wealthier metropolitan areas yet has some of the greatest economic inequities in the country. The city is Black-led, with a majority person of color population,^{xiv} high incarceration rates, and an overrepresentation of Black individuals in jails and prisons.^{xv} Approximately 8,300 District residents are incarcerated (0.9% rate), and more than 10,000 are released from jail and prison each year.^{xvi}

The District of Columbia has a small legislature with a democratically leaning voting block. The U.S. Congress, however, has the authority to review and block legislation in the District of Columbia, which can impact policies significant for historically marginalized and underserved populations.^{xvii} The city continues to contend with the long-standing, multigenerational impacts of post-civil war segregation and economic destabilization efforts and with changing economic, social, and housing trends that displace Black residents and their ability to leverage the city's economic gains.

The current landscape analysis builds upon Enterprise's Housing as a Pathway to Justice (H2J) initial guiding research and national scan by exploring the housing-related needs and lived experiences of individuals with justice involvement and their children, families, and communities in the District of Columbia. Understanding the current system landscape of this city in Enterprise Community Development's (ECD) portfolio will expand knowledge to improve policies, practices, programs, services, partnerships, and funding at the intersection of housing and criminal legal reform. Appreciation of the unique context of the District will inform how Enterprise, other housing providers, and partners can address housing needs and increase resources to contribute to successful reentry, recidivism reduction, and the health and stability of families and communities.

2. Methods and Approach

An examination of the literature around the criminal legal system, housing system, and realities of individuals with legal system involvement is a core element of the landscape analysis. The literature review aimed to:

- Outline the context of the jail and prison system in the District of Columbia as well as the reentry process and related housing needs and resources;
- Define the needs at the intersection of housing and the justice system that housing providers can address, including conditions that increase and decrease the likelihood of involvement with the criminal legal system; and
- Increase shared knowledge within Enterprise and the H2J initiative of how the criminal legal and housing systems in the District of Columbia overlap and the implications for Enterprise's work.

The scan of the literature focused on peer-reviewed literature; grey literature including white papers, government documents, and technical reports; and databases accessed via websites and search tools (e.g., Google Scholar). Identified sources were published within the last ten years unless literature was considered seminal. Topics of interest regarding the intersection of the criminal legal system and housing and keywords related to the population involved in the justice system, the criminal legal system and reentry processes, housing outcomes and options, and areas and policies that intersect with these systems guided the literature search (see Exhibit 1). Sources also were identified through the reference sections of reviewed articles and reports.

The scan included literature specific to the District of Columbia as well as regional, national, and system-level literature. Approximately 125 sources were reviewed and entered into a database organized by research prompt, topic and theme, and locality.

Exhibit 1. Sample Literature Search Keywords

- | | |
|---|--|
| • Affordable housing | • Justice involved |
| • Bail | • Law enforcement |
| • Community supervision | • Neighborhood characteristics, contexts |
| • Criminal justice, criminal legal system, reform | • Parole |
| • Disability rights | • Pre-release, release, post-release |
| • Disparities, overrepresentation | • Probation |
| • Education | • Recidivism |
| • Employment | • Reentry, reentry services |
| • Families, Black families | • Returning citizens |
| • Health, mental health, substance use | • Social services, benefits eligibility |
| • Homelessness | • Subsidized housing |
| • Housing support, programs, requirements, policies | • Transitional housing |
| • Jail and prison systems and populations | • Trauma, trauma informed |

3. The Landscape – Findings

Systems Overview

Context of the Jail and Prison Systems

The District of Columbia has the 8th highest incarceration rate in the world (899 people involuntarily confined per 100,000 residents; 8,300 incarcerated persons total). Approximately 12,000 are booked into jails annually, and 18,000 are incarcerated or under the justice system’s supervision. Most adults incarcerated under the Department of Corrections (DOC) identify as Black (90.4%), which is twice the proportion of Black residents in the District of Columbia. Men also primarily are incarcerated (94.2%).^{xviii}

Two distinct criminal legal systems operate in the District of Columbia: federal and local. Federal and local crimes are prosecuted by federal prosecutors through the Office of the U.S. Attorney, adjudicated by federally appointed judges, and supervised by federal agencies. This process impacts those in contact with the District of Columbia’s criminal justice system and those trying to effect change. People in the District charged with a crime will face prosecution under local laws, and persons convicted of felonies are required to be transferred to the Federal Bureau of Prisons (BOP). Unique to the District of Columbia, individuals may be sentenced to the BOP and supervised by the federal probation and

parole agency Court Services and Offender Supervision Agency (CSOSA). Typically, after being arrested for a violation of District of Columbia law and arraigned at Superior Court, a person is either conditionally released under the Pretrial Services Agency for the District of Columbia or detained by the DOC at the Central Detention Facility (CDF; DC Jail) or the Correctional Treatment Facility (CTF).^{xix}

The Central Detention Facility houses individuals who are pre-trial, sentenced, and awaiting transfer to BOP. The Correctional Treatment Facility provides treatment, rehabilitation, and mental health services. DOC uses a classification system to determine an individual’s low, medium, or high custody category based on the nature of their current criminal charges and prior criminal and incarceration history. Men’s average length of stay at the DC Jail was 133 days. Approximately 70% were released to the community, 21% transferred by the United States Marshal Service (USMS), and 6% removed by all other jurisdictions. The average length of stay for women was 61 days. Approximately 83% of women were released to the community; 7% released to St. Elizabeth’s Hospital or treatment programs, 4% removed by the USMS, and 6% released to other jurisdictions.^{xx}

The programs and case management division of DOC, in partnership with UNITY Healthcare, provide behavioral health services to individuals while under DOC supervision. The DC Jail connects incarcerated individuals to the following resources (Exhibit 2):^{xxi}

Exhibit 2. Reentry Resources Facilitated by the Department of Corrections

Provider	Program/Service
Department of Employment Services (DOES)	<ul style="list-style-type: none"> • Job development and placement services • Assistance to obtain identification cards and police clearances • Transitional Assistance Payments • Public transportation assistance
Department of General Services and the Department of Public Works	<ul style="list-style-type: none"> • Employment and on-the-job training referrals for returning citizens
Department of Housing and Community Development (DHCD)	<ul style="list-style-type: none"> • Coordinates efforts to address reentry housing opportunities
Department of Behavioral Health (DBH)	<ul style="list-style-type: none"> • Connects returning citizens with community mental health/core service agency providers pre-release
Department of Human Services (DHS)	<ul style="list-style-type: none"> • Applications for Food Stamps, Medicaid and Temporary Relief for Needy Families when returning citizens are within 30 days of release • Helps ensure benefits for persons on Medicaid are only suspended during incarceration and promptly reinstated upon release

Department of Motor Vehicles (DMV)	<ul style="list-style-type: none"> • Free government identification cards to returning citizens when they present documentation from DOC or the Mayor’s Office on Returning Citizen Affairs (MORCA) at release
Office of the State Superintendent of Education	<ul style="list-style-type: none"> • Provides oversight for the GED testing program at the CDF and CTF

Each year an estimated 2,000 to 2,500 individuals return to the District of Columbia from prison, and approximately 60% of individuals released from DOC are rearrested within three years.^{xxii} One in seven men and one in 12 women are incarcerated in the District for supervision violations.^{xxiii} Most violations (90%) are drug-related (e.g., failing or not submitting a drug test), criminalizing a public and behavioral health concern. A parole violation is the second most common “most serious offense” for men (behind assault) and the third most common for women. Community Supervision Officers (CSOs) monitor compliance with supervision conditions and apply “graduated sanctions” (e.g., more frequent drug screenings and reporting, curfews) or file Alleged Violation Reports that can lead to incarceration when a person has not met a supervision requirement. The average length of stay in jail is nearly four months for persons with a most serious alleged offense of parole. Individuals under supervision can be incarcerated due to revocation or awaiting a hearing, which can result in loss of housing or employment and exacerbate stable housing and employment challenges (i.e., 48% are unemployed, and 11% do not have stable housing).^{xxiv}

The Reentry Process

The reentry process in the District of Columbia can begin pre-release or post-release. Pre-release planning is beneficial to connect returning citizens to necessary support, arrange housing, and address transitional housing qualification criteria and barriers such as long waitlists. The Court Services and Offender Supervision Agency supervises adults under probation (community-based supervision) and parole (early release from prison based on rehabilitation determined by the United States Parole Commission). Supervision types also include supervised release, an additional time served post-incarceration after serving at least 85% of a prison sentence. CSOSA develops an individualized supervision plan around the conditions of release imposed by the Superior Court for the District of Columbia (for individuals on probation) or the United States Parole Commission (for individuals on parole or supervised release). As part of a comprehensive assessment, this plan identifies an individual’s specific risk level and needs as well as program strategies to address those factors.^{xxv}

Access to housing is a major barrier to successful reentry for District of Columbia residents. While incarcerated, DOC identifies an individual’s living situation upon entrance to the facility. Homelessness, living in a shelter, having no fixed address, or having an unknown address are considered unstable housing conditions.^{xxvi} Several entities have focused on education around the importance of supportive housing and providing returning citizens direct access to housing support. The Criminal Justice Coordinating Council (CCJC) developed a Reentry Steering Committee, which includes a Housing

Subcommittee centering expanding housing accessibility for returning citizens. The Subcommittee analyzes available data on housing availability, homelessness, and housing needs of returning citizens,⁷ and develops policy proposals for creating or expanding housing for this population.^{xxvii}

Returning citizens may be released to Residential Reentry Centers (RRC), or halfway houses, as part of their transition to the community. RRCs provide services including substance use treatment, assistance obtaining employment and housing, and health care.^{xxviii} The District has one center in operation, Fairview, which serves women. CORE DC is building a new 300-person RRC, which has met community resistance, including concerns about the impact of traffic, noise, operations, and reentry facilities on the neighborhood. Residents’ concerns and “not in my back yard” sentiments are important to address when increasing RRCs and other supports for formerly incarcerated individuals.

The District of Columbia government has developed programming services to facilitate the reentry of individuals being released from DC Jail or federal prison. The following entities offer these services (see also Exhibit 3):

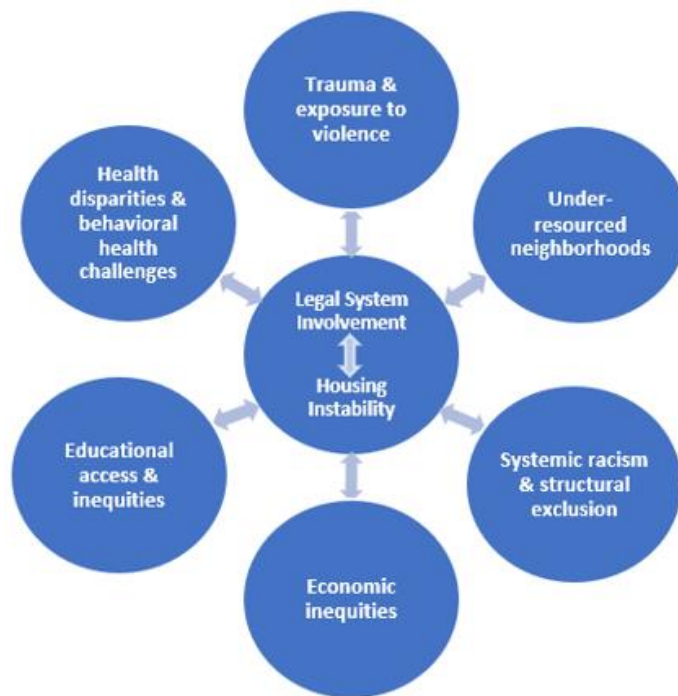
- **Reentry Action Network (RAN):** Coalition of nonprofit organizations that provide direct reentry services to justice-involved District residents. RAN member organizations provide housing, education, employment, health, family and friend reunification, legal, and transitional supports.^{xxix}
- **READY Center:** Connects returning citizens released within 12 months from the DC DOC and the Federal Bureau of Prisons to resources and services available through community-based organizations and government agencies, including DMV, DOES, DHS, DBH, and MORCA. Engages individuals prior to their release from DOC or BOP custody to share information about available services as they return to the District of Columbia. The Center is designed to eliminate transportation as a barrier to receiving the immediate resources needed during the reentry process, based on needs identified through screening and interest forms.^{xxx}
- **Mayor’s Office on Returning Citizens Affairs:** Serves as the District of Columbia’s coordinating and advisory agency for reentry, providing intensive case management services for returning citizens throughout their reentry process. MORCA ensures that formerly incarcerated people are connected to essential programs and services such as housing assistance, health, employment, education, and social services.^{xxxi}

RAN Housing Providers
Amazing Gospel Souls, Inc.
Catholic Charities
Collaborative Solutions for Communities
Community Connections
Community Family Life Services
House of Ruth
Jubilee Housing
So Others Might Eat (SOME)

Needs, Resources, and Opportunities at the Intersection of Housing and the Criminal Legal System

Structural barriers, racism, and exclusion; poverty; adverse childhood events; involvement in systems such as child welfare; experiences of trauma and exposure to violence; substance use disorder and mental health challenges; lower educational attainment; disability (e.g., physical, cognitive, sensory); and household instability increase the likelihood of involvement with the criminal justice system.^{xxxii,xxxiii,xxxiv,xxxv,xxxvi} These complex, interactive risks disproportionately impact Black and Brown communities and can continue to adversely affect individuals during incarceration (e.g., re-traumatization, insufficient support services, and treatment). They also have implications for stable, affordable, safe housing options and related needs around the social determinants of health after release (Exhibit 3).^{xxxvii,xxxviii} The impacts are compounded when considering the intersecting identities of race, ethnicity, age, gender, sexual orientation, and disability. The effects extend beyond individuals to their families and communities, including separation and disrupted relationships with children, partners, and other support systems; reunification challenges when returning home; and barriers to housing, employment, and education that affect economic mobility and wealth-building opportunities. Furthermore, the bidirectional relationship between the criminal legal system and housing means that higher or reduced risks for involvement or instability in one system is related to higher or reduced risks in the other. The experiences and histories of individuals with criminal justice involvement must be considered to understand their housing needs and opportunities to reduce barriers to their permanent return to the community.

Exhibit 3. *The Dynamic Relationship between Housing and the Criminal Legal System*



Impact of the Criminal Legal System on Housing Outcomes

The District of Columbia’s unique federal and local criminal legal system adversely impacts housing outcomes for returning citizens when they are incarcerated throughout the country. Ties with family and friends can be weakened by geographic distance and lack of visitation, decreasing chances of stable housing arrangements post-release. Not only does being away from home diminish the relationships of justice-involved individuals, but it can limit their access to resources as well. The federal prison system requires individuals to provide the address where they will reside after release. People incarcerated outside of their city of origin may have counselors unfamiliar with housing resources in the District of Columbia and limited communication with family and community members. With the Federal Bureau of Prisons’ only male halfway house closing in the District during the COVID pandemic in 2020 due to a lawsuit, prison-funded programming to assist men in their transition from prison has been limited.^{xxxix, xl, xli} These conditions increase the likelihood of a delayed release and unstable housing, and studies have found that one in five people returning to the District of Columbia on parole or supervised release experienced homelessness in three months.^{xlii}

Returning citizens often face discrimination due to their criminal record. In 2019, one out of seven District of Columbia residents had a publicly available criminal record from the past ten years.^{xliii} The city’s expungement criteria and processes were characterized as stringent and restrictive, until the District passed the Second Chance Amendment Act of 2022 in March of 2023.^{xliv} The Act permits automatic expungement and sealing, and expungement and sealing by motion of certain criminal records, including retroactive application. The Act prohibits criminal history providers from reporting these criminal records and authorizes the Office of Human Rights to adjudicate complaints and issue penalties. The Fair Criminal Screening for Housing Act aims to limit landlords’ discrimination against justice-involved individuals.^{xlv} However, numerous exceptions exist to the Act, leaving out many individuals. Landlords can deny renting to individuals who have a history of up to seven years of “malicious activity, violent crimes, fraud, sexual crimes, and controlled substances.”

Returning citizens are more likely to experience homelessness and return to Wards with heavier police activity and homelessness. Often, activities such as sleeping, sheltering, and storing personal property in public are deemed “anti-camping, panhandling, loitering, or vagrancy.”^{xlvi} Architecture meant to deter and further criminalize homelessness also exists throughout the District, including “anti-vagrant” benches to prevent resting or sleeping in these areas.^{xlvii} These overlapping local to hyperlocal law enforcement (e.g., over-policing), legal (e.g., court involvement), and housing issues are critical to address to reduce barriers for returning citizens and are evident across the housing bundle.

Fifty-seven percent of single adults experiencing homelessness in the District of Columbia have been incarcerated, and nearly one-third said incarceration caused them to become homeless.

Housing instability. According to the U.S. Interagency Council on Homelessness, more than 11% of individuals in the District of Columbia’s community supervision program were considered to have

unstable housing, and three-quarters resided in shelters.^{xlviii} More than one-half of individuals experiencing homelessness have had justice involvement. Returning citizens often have little to no savings, and not all can work while incarcerated.

Furthermore, research has found housing instability and serious mental illness (e.g., posttraumatic stress disorder, schizoaffective disorder) the strongest predictors of recidivism 3, 6, and 12 months from release. Housing instability, however, did not have an independent effect on recidivism until 6 and 12 months from the time of release. The combination of mental health and substance use challenges, housing instability, and prior violent crime charges resulted in the highest probability of rebooking. Thirty-two percent (32%) of returning citizens had a documented serious mental illness, and 22% had a co-occurring substance use disorder.^{xlix}

The District of Columbia offers homeless intervention and prevention services for families, individuals, and youth. Shelters in the District include 1) 24-hour shelters; 2) 12-hour shelters; 3) Day shelters; 4) Family shelters (often 24-hour); and 5) Domestic violence shelters. According to the city's housing directory for returning citizens, while most shelters listed (16) offer overnight beds, three offer stays between two days and the entire winter season. Most are gender-specific and can accommodate up to 150 individuals. Three shelters can accommodate 360 to 1,300 people. Only three accommodate families, and two do not allow male children above the age of 12. Only two specifically serve individuals with mental illness.

There are 47 transitional housing options listed in the directory. Two are in Northern Virginia, although they accept District of Columbia residents. They tend to offer six to 65 units. Two offer 100 and 300 units. Most offer housing from four months to two years. A number do not have timeframe restrictions, and some require that applicants be sober, submit to drug screenings, or enrolled in a substance use recovery program. Some services focus on specific issues (i.e., psychiatric crisis, HIV+/other medical needs, family violence, substance use recovery) and populations (i.e., youth, families, women, men).

There are ten permanent supportive housing options. There are no limitations on stay, and the number of units ranges from eight to 52. Some require sobriety, are gender-specific, and others do not allow families (i.e., tenants must move upon giving birth). So Others Might Eat (SOME) offers four single-room occupancy options; two have no restriction on length of stay and can accommodate 102 residents.

Housing affordability and private market rental housing. There is a housing affordability crisis across the country, and as one of the wealthier cities in the U.S., the District of Columbia is a major city at the center of this issue. The housing market in the District of Columbia is the fifth most expensive in the nation.^l The median rent is \$2,581, and the average size unit is 746 square feet.^{li,lii} Between 2015 and 2022, the District's average rent increased from \$1,700 to \$2,200. The cost of living can pose a greater challenge for returning citizens with lower incomes and educational attainment. For instance, one-third

of returning citizens in the District of Columbia do not have a high school diploma, which affects employment and wage-earning opportunities that enable them to afford sufficient housing.^{liii}

The City has made record investments in its Housing Production Trust Fund, which in recent years included \$80 to \$100 million and increased to \$499 million in fiscal year (FY) 2023. One-half of Housing Production Trust Fund dollars are legislated to be invested in housing for families with 30% of the District's median income (\$42,700).^{liv} However, the Bowser administration has not met this requirement and, in 2020, allocated \$82 million designated for affordable housing for low-income residents to housing for higher-income households.^{lv} Since the current mayor took office in 2015, 21,915 new housing units have been produced, of which 19% are considered affordable to families earning up to \$114,000. According to the DC Fiscal Policy Center, the city has 40,000 residents who cannot afford rents higher than \$750 a month (which would account for more than one-third of household income) and has only 800 units at this price point.^{lvi}

Not only are rental housing prices inaccessible to recently released individuals with little savings, job instability, and limited earning potential, but landlords of multi-unit housing follow common eligibility requirements that make their housing units inaccessible to individuals with criminal records. The Fair Criminal Screening for Housing Act of 2016 prevents landlords from inquiring about criminal records before a conditional housing offer is made. Landlords, however, are allowed to consider pending criminal accusations and specific convictions that occurred seven years prior.^{lvii} The withdrawal of a conditional offer must be based on the following factors:

- The nature of the offense and its severity;
- The applicant's age when offense was committed;
- The time that has lapsed since the offense;
- Information provided that speaks to applicants change in behavior and rehabilitation efforts;
- How safe other tenants would be if offense reoccurred; and
- Whether the offense took place on property that applicant was leasing.^{lviii}

Public and subsidized housing. DC's Housing Authority has 8,000 public housing units, provides 11,000 housing vouchers, and has a waitlist of 32,000 residents. The city's Housing Authority was rated the poorest performing in the country, with a 70% occupancy rate, by the U.S. Department of Housing and Urban Development (HUD) in a September 2022 report.^{lix} The audit report included 103 findings. As of May 30, HUD's deadline for the District of Columbia Housing Authority (DCHA) to correct its findings, DCHA had corrected 42.^{lx} The average national occupancy rate for housing authorities is 95%.^{lxi} DCHA was last placed under receivership in 1994 after a class action lawsuit was filed by families on DC's public housing waitlist.^{lxii}

According to a December 2022 report by the DC Office of the Attorney General (OAG) assessing the DCHA's "dysfunction," the Housing Authority has not been sufficiently insulated from politically driven development efforts. The OAG asserts that the composition of the Housing Authority's Board has

been designed to facilitate the implementation of the mayor’s development efforts in a city that lacks land to achieve its development goals. The report explains that the mechanism providing the city access to the land the Housing Authority holds is the New Communities Initiative (NCI), which was established to “redevelop dilapidated public housing” two decades ago. The Deputy Mayor for Planning and Economic Development (DMPED) administers the program. The DMPED, tasked with driving the mayor’s economic development agenda, compiles the deals and simultaneously sits on the Housing Authority’s board. The New Communities Initiative focuses on developing “vibrant mixed-income neighborhoods” and is designed to provide a “one-for-one” replacement of the Housing Authority’s public housing stock. However, “one-for-one” replacement is not always achieved.^{lxiii}

Public Housing Authority (PHA) policies pose barriers for individuals with justice system contact attempting to access public housing. According to a 2023 article, HUD’s exclusionary housing policies directed at people with justice system contact can be traced back to the 1988 Federal Anti-Drug Abuse Act, which required PHAs to have provisions in their leases that allowed for the eviction of tenants or tenants with friends and family with criminal records. Additionally, tenants evicted due to engagement in drug-related activity would be banned from properties for three years. Tenants can be evicted if a guest uses marijuana on their property without their knowledge. The Housing Opportunity Program Extension Act of 1996 made it easier for PHAs to evict tenants and allowed them to screen for criminal records of existing and prospective tenants. People with a lifetime requirement on the sex offender registry cannot be housed in public housing.^{lxiv}

HUD publishes general guidelines for PHAs to determine public housing eligibility. These guidelines are separated into two categories of prohibitions: mandatory and permissive. Mandatory prohibitions for which PHAs automatically disqualify applicants include:

- Any household member is “currently engaging in illegal use of a drug;”
- A household member’s “illegal drug use or a pattern of illegal drug use may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents;”
- Any household member has ever been convicted of “drug-related criminal activity for manufacture or production of methamphetamine” on federally assisted housing property;
- A household member has been evicted from public housing for “drug-related criminal activity” three years prior; and
- Any member of the household is subject to lifetime registration under “a state sex offender registration program.”^{lxv, lxvi}

Permissive prohibitions are not federally required but can be used by PHAs to expand their criteria for housing denial. PHAs can additionally deny housing if any household member “is currently engaged in, or has engaged in during a reasonable time before admission” in:

- “Drug related criminal activity;”
- “Violent criminal activity;”

- “Other criminal activity which may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents or persons residing in the immediate vicinity;” or
- “Other criminal activity which may threaten the health or safety of the owner, property management staff, or persons performing a contract administration function or responsibility on behalf of the PHA (including a PHA employee or a PHA contractor, subcontractor or agent).”

The Prison Policy Initiative recommends investigations of local PHAs, generally around more restrictive applications of guidelines, and advocating for changes. Pertinent policy documents are published annually with public comment periods.

Housing quality. The DC Policy Center notes a mismatch in household and unit size across the city due to affluent singles and couples competing over larger units and land-use and zoning policies that do not allow smaller units for small households.^{lxvii} Another complication is lead-based paint in public housing properties. The District’s Housing Authority recently failed to conduct HUD-required interventions in properties with children ages six years or younger.^{lxviii}

The District’s Department of Consumer and Regulatory Affairs (DCRA) recently launched a renter tool that allows renters to search for outstanding housing violations, such as property deterioration to hazardous conditions, to increase the accountability of the DCRA and landlords to ensure safe housing. The database can serve to motivate landlords to respond promptly to tenants and correct violations.^{lxix}

Assets and wealth building. Incarceration is associated with a 10% to 30% income loss.^{lxx} In terms of access to assets that build wealth, a Bureau of Justice Statistics study in 2010 found that 33% of individuals released from federal prison did not find employment at any point four years post-release. Returning citizens who found employment struggled to maintain it.^{lxxi}

Varying levels of involvement with the justice system are associated with decreased likelihood of, later entry into, and shortened duration of homeownership.^{lxxii} With variability in efforts to support returning citizens, the weight of criminal records, compromised credit profiles, and unemployment or underemployment can hinder acquiring assets in an area as affluent as the District of Columbia.

Impact of Regional and Local Housing Factors on People with Criminal Legal Involvement

Not only is affordable housing scarce in the District of Columbia, but subsidized housing is even harder to secure. The demand for public housing is high, and the waitlist for public housing and housing vouchers contains tens of thousands of residents. Currently, out of 8,064 public housing units, 5,512 are being leased.^{lxxiii} Many units are considered uninhabitable, with issues including lead-paint, out-of-code electrical systems, compromised structures, water damage, mold, and rodent infestations.

Furthermore, the District of Columbia recently had the “largest civil penalty (\$10M) in a housing discrimination case in U.S. history.” The Office of the Attorney General sued three real estate firms and additional individual defendants for discriminating against residents using Section 8 housing vouchers and other housing assistance.^{lxxiv} The case was lauded as a clear message that discrimination against low-income residents of color is unacceptable.

Neighborhoods in the District of Columbia are largely segregated racially. The District’s incarcerated population is primarily from Wards 5, 7, and 8, where more than 90% of residents identify as Black or African American.^{lxxv} Police activity is concentrated in these three Wards. Wards 7 and 8 have the highest amount of housing assistance and residential instability in the District of Columbia. As the relationship between housing and the criminal legal system is bidirectional, returning citizens in the District of Columbia face particular challenges to stably reside and reengage in their communities after incarceration. More intentional investment and subsequent programming are needed to ensure that returning citizens have sufficient access to affordable and sustainable housing.

One-fifth of Ward 7 and 8 residents say they will not be able to afford their house in the next three years. Black residents are three times more likely to have moved due to an inability to pay their bank or landlord than White residents.

Calls to adequately address the needs and concerns of individuals with legal system involvement and for fair and more affordable housing in the District of Columbia are increasing. A growing number of groups are producing papers and reports delving more deeply into the experiences and needs of justice-involved individuals. In the District, the DC Taskforce on Jails and Justice in February 2021 released 80 recommendations for the mayor to consider. The Taskforce strongly advised affordable housing for returning citizens. The Taskforce includes government officials and nonprofit advocates (Attorney General Karl Racine; Ward 6 Councilmember Charles Allen; ANC7F Commissioner Tyrell Holcomb; nonprofit advocates; two Bowser administration staff members). The District of Columbia also has strong tenant protections, given the city’s Tenant Opportunity to Purchase Act (including tenant right of first refusal), its Housing Production Trust Fund, and DC Superior Court’s Housing Conditions Docket that allows tenants to sue their landlords.

The DC Policy Institute’s 2020 report included policy solutions specific to DC’s returning citizens and recommended developing programs that provide 1) financial assistance and services to support friends and family who house returning citizens upon release; 2) “medium-term housing options” that would house returning citizens for their first years post-release; 3) permanent supportive housing for returning citizens with greater risk for recidivism as a priority; and 4) shelters designed for returning citizens and their specific needs. The report also points to a lack of ownership over housing instability among returning citizens by government and community organizations.^{lxxvi}

Section II: System Mapping and Interviews

The current section synthesizes findings from a series of key informant interviews and field research to 1) further understand stakeholders, policies, practices, programs and services, partnerships, and funding and resources at the intersection of housing and the criminal legal system in the District of Columbia; and 2) examine Enterprise’s portfolio in the context of neighborhoods and residential communities in the District of Columbia. The implications of identified trends, gaps, and opportunities in reentry and housing resources for individuals with criminal legal system involvement can inform how housing organizations like Enterprise effectively enhance policies, services, partnerships, and resources to support returning citizens’ reintegration.

1. Methods and Approach

The research team collaboratively developed and conducted 11 key informant interviews with nonprofit and public agency stakeholders familiar with the intersection of the legal system and housing, service providers, and individuals with lived experience. Organizations were identified through the literature review, networks in the field, Enterprise recommendations, and the Housing as a Pathway to Justice Mid-Atlantic Work Group. The team also used snowball sampling, asking interviewees for recommendations of other individuals and organizations to contact. Leadership and staff members from 10 organizations participated in the interviews (see Exhibit 4).

Exhibit 4. Key Informant Interview Participants

Sector	Organization	Interviewees
Reentry Housing/Support Services	• Catholic Charities, Welcome Home Reentry Program	2
	• Impact Justice, Homecoming Project	2
	• Reentry Action Network	1
	• Who Speaks for Me?*	1
Community & Economic Development	• Coalition for Nonprofit Housing and Economic Development (CNHED)	1
	• Northern Real Estate Urban Ventures (NREUV)*	1
	• Washington Area Community Investment Fund (WACIF)	2
Advocacy/Reform/Legal Services	• Council for Court Excellence (CCE)	1
	• Equal Rights Center	1
Funders	• Greater Washington Community Foundation	1
		13

*H2J Mid-Atlantic Work Group member

The interview questions pertained to programs, policies, partnerships, and resources that exist and are needed at the intersection of housing and the criminal legal system to effectively support returning citizens (see Exhibit 5 for the question topics and Appendix A for the interview protocol). The research team documented responses from the 60-minute confidential virtual interviews through notes and recordings with participants’ consent and developed a codebook based on the interview protocol and responses. Salient themes were identified and coded using the Dedoose analysis application.

The team supplemented information gathered on programs, policies, and funding through interviews and follow-up communications with key informants with research that included examination of current and proposed legislation,^{lxxvii} funding sources, and service resource guides.^{lxxviii} The system and resource data were mapped in a visual representation and database of pre- and post-release providers, services, and support for short- to long-term housing; relevant legislation; and available funding for housing and services for returning citizens.

Data from the Enterprise Community Development 2021 Annual Resident Survey (285 respondents from 14 family and three senior properties in the District of Columbia) and the Enterprise Residential housing application process were reviewed to examine ECD properties in the context of the larger District of Columbia housing market (see Exhibit 5). The sample sizes were considered (e.g., representativeness and response rates) when analyzing and interpreting the data.

Exhibit 5. Interview and Supplemental Research Data

Interviews & Online Resources	Resident Survey	Housing Application Process
<ul style="list-style-type: none"> • Stakeholders and key issues around housing and the criminal legal system • Disproportionately affected populations • Policies and practices • Programs, services, and supports • Partnerships and community engagement • Funding and other resources • Recommendations 	<ul style="list-style-type: none"> • Satisfaction with the community • Household concerns and activities • Office and maintenance staff and services • Pride in the community 	<ul style="list-style-type: none"> • Rental criteria • Criminal Conviction Policy • Applicant screening criteria and data • Criminal conviction appeals process • Rental applicant resources

2. Key Findings

The service landscape includes economic, political, and community factors that affect reentry resources. These intersecting factors are critical to consider meeting the short- to long-term housing needs of returning citizens and ensure access to resources that support their reintegration.

Market Context

According to interviewees, the District of Columbia's economic and political dynamics pose incredible challenges to the reintegration of individuals with justice system contact. Interviewees referenced existing economic forces, including a shortage of affordable housing, changing neighborhoods, disparities in investments and development in communities, political pressures due to rising crime rates, and the perception that returning citizens are a safety risk (versus an understanding of their experiences and vulnerabilities). Interviewees, however, also referenced growing efforts among reentry organizations, housing, legal providers, and advocates to continue to break down barriers for returning citizens in the District, and an increased focus on housing.

Interviewees characterized the reentry service system in the city as abundant yet lacking in reach and scale, acknowledging that the resources, services, and providers are not enough to meet demand. One interviewee pointed out that the city lacks a reentry provider with a sizable case management team and units to house returning citizens. Permanent housing, particularly permanent supportive housing, is considered central to the reentry process, and greater capacity and resources to deliver this service effectively are necessary.

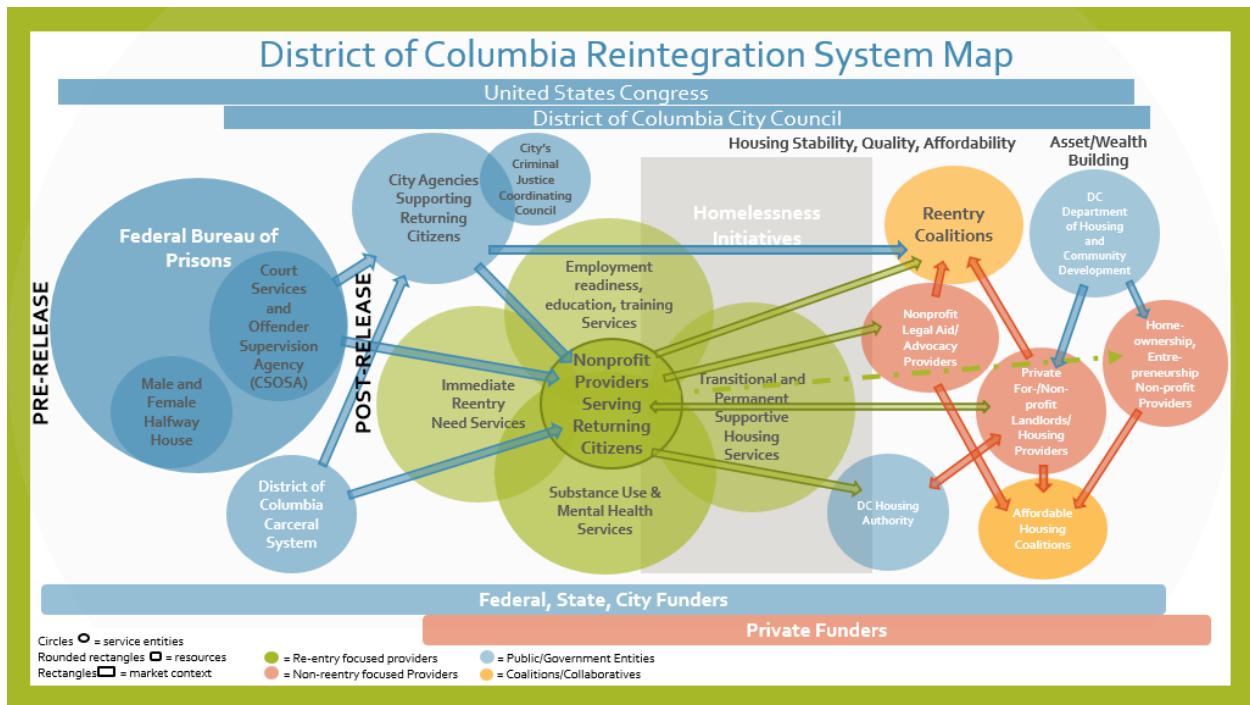
System Map

The following system maps visually represent information gathered through research and interviews. The first map provides an overview of the key entities involved in the release, reentry, and reintegration process. The system map is focused on the interface between reentry-focused providers; entities that facilitate housing stability, quality, and affordability (couched within the Housing Bundle); and entities that enable longer-term financial stability through wealth-building interventions.

The system map includes entities within the carceral system, government, and nonprofit sectors. The map is divided into three sections: 1) the pre-release/carceral and post-release/reentry systems (Exhibit 6), 2) reentry-focused government and nonprofit providers (Exhibit 7), and 3) providers that are not focused on reentry but are key to returning citizens' long-term stability and ability to access permanent housing and advocate for needed changes (Exhibit 8). The structure of the carceral system information is based on research. Some interviewees also spoke about the state of the DC carceral system, which is included in this section. The reentry and wealth-building provider system map is primarily informed by interviews and some research. Homeless initiatives are represented as background context, as entities focused on serving populations experiencing homelessness do not appear to center

the needs of individuals exiting the carceral system. Some of these entities, however, have participated in policy changes that facilitate the reintegration of returning citizens. Government key stakeholders were identified via research and interviews, and nonprofit providers and collaboratives/coalitions are based on the groups that interviewees mentioned. (Appendix B contains the list of stakeholders and provider directories.)

Exhibit 6. District of Columbia Reintegration System Map



As previously discussed, the DC carceral system is partly operated by the city and the federal government- the Federal Bureau of Prisons. This structure creates unique challenges in the reentry of individuals when released from prisons across the country. The Central Detention Facility houses men and Central Treatment Facility is for women and special populations. According to the Council of Court Excellence, the CDF has struggled with conditions issues for decades. The jailing of the January 6th Insurrection participants brought renewed attention to the conditions due to an investigation by the US Marshall Service. CCE explained that the District plans to build a correctional annex to CTF and demolish CDF (the men’s jail) and has committed to trauma-informed care, healing practices, restorative justice programming, and state-of-the-art medical care.

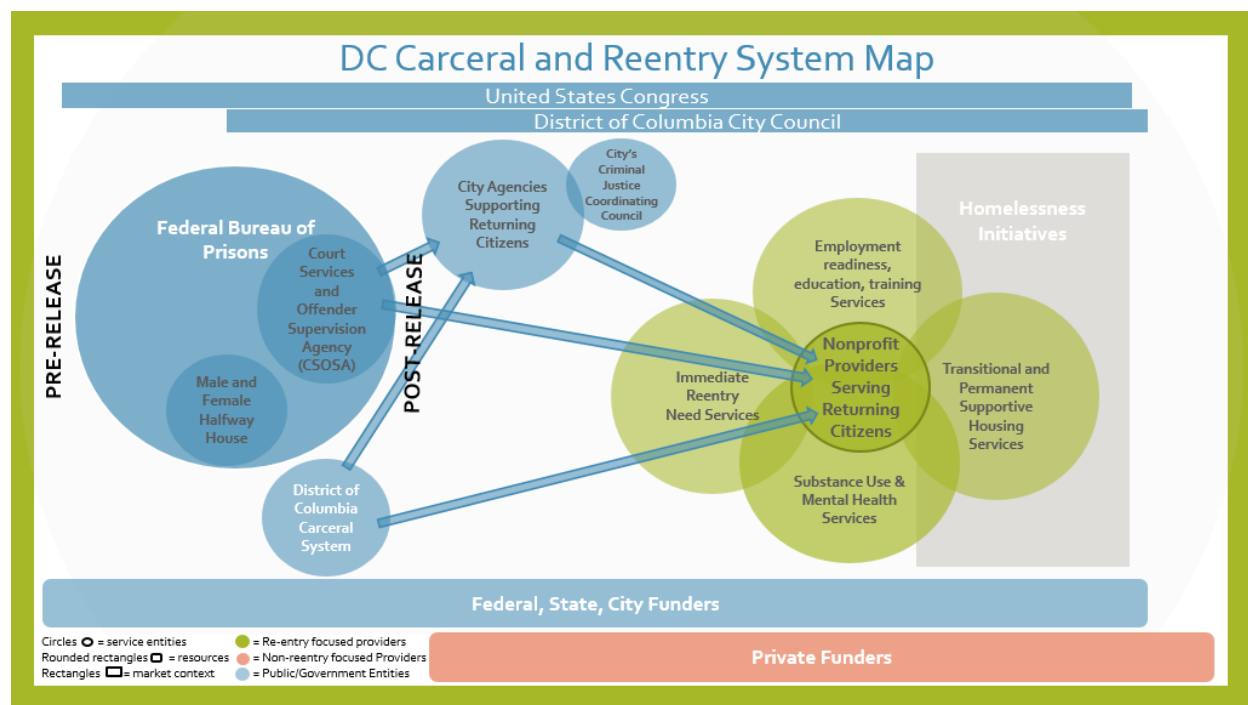
The District of Columbia has agencies that support individuals released from the carceral system with their reentry process and an agency dedicated to the reentry process, the Mayor’s Office on Returning Citizen Affairs. The city’s Criminal Justice Coordinating Council is tasked with identifying and addressing challenges related to public safety and the fair administration of justice via research, training, and technical assistance, and facilitates information sharing and collaboration.

The Court Services and Offender Supervision Agency supervises, as required, individuals released from the Federal Bureau of Prisons. According to a CSOSA Fact Sheet, the agency in the District of Columbia supervises 15,500 returning citizens “on any given day”^{lxix} and collaborates with numerous District agencies (see Exhibit 9). No interviewee described their collaboration with CSOSA in depth but acknowledged their existence. A CSOSA staff person was contacted for participation in an interview but declined. However, the representative explained that CSOSA refers supervisees to nonprofit service providers in the District, along with city agencies.

According to interviewees, Fairview is the one available halfway house for women in the District. The one halfway house for men, Hope Village, was shut down during the COVID pandemic due to lawsuits around facility safety and conditions. The new halfway house for men is expected to open in 2023. In the interim, men have been placed in halfway houses in Baltimore, Maryland and Delaware.

Interviewees familiar with the release process shared that some reentry planning occurs but does not address housing in an in-depth manner, if at all. This reality has caused providers difficulty finding housing for individuals when released, especially at night and with no housing options.

Exhibit 7. DC Carceral and Reentry System Map



Interviewees often commented on both the many reentry providers in the District and the lack of resources available for these providers to meet demand. Providers described the complex and simultaneous needs individuals with justice system contact can have, especially after being released from long-term prison sentences. With respect to meeting their clients’ housing needs and challenges,

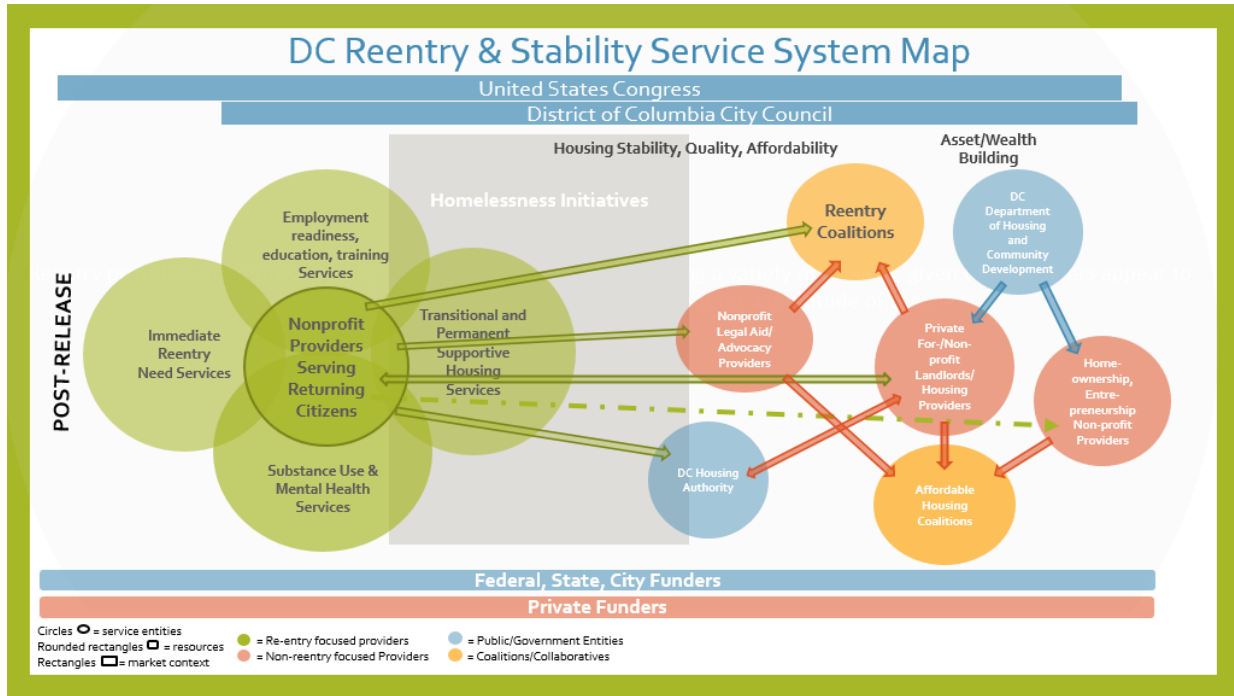
reentry-focused entities rely on private non- and for-profit landlords for housing and refer clients to legal aid groups for discriminatory housing experiences and other legal needs.

Few providers referred to meeting the wealth-building needs of their clients. Similarly, the entities interviewed in the nonprofit wealth-building sector indicated that they do not have a targeted intervention for returning citizens. This connection is depicted with a dotted line in the systems map. The government entity tasked with supporting affordable housing development and preservation and wealth-building initiatives, the DC Department of Housing and Community Development, also is included in the map.

Additionally, on the right side are orange circles that represent collaborative efforts focused on the needs of returning citizens and others that focus on affordable housing access. Interviewees shared that both returning citizen-focused and the more broadly affordable housing-focused coalitions (including those related to populations experiencing homelessness) have contributed to advancing policies that support the reintegration of people with justice system contact. The District Taskforce on Jails and Justice is the most formalized collaborative, which the Council for Court Excellence convenes. A member of its Second Chance Housing Alliance indicated that they recently secured \$3M for a reentry housing pilot that will house 50 male returning citizens.

The dotted arrow to the DC Housing Authority reflects interviewees' accounts that the District has not made a significant effort in designating voucher programs for returning citizens. A reentry provider explained that in 2022, 10 vouchers were allocated to the MORCA.

Exhibit 8. DC Reentry & Stability Service System Map



Section III: Programs, Policies, Services, and Funding Overview Specific to Housing and Re-Entry Service Delivery

Interviewees discussed needs, trends, and opportunities related to the reintegration of returning citizens into the community. Interviewees underscored the importance of stable housing as a “necessity,” “foundation,” and “key” to thriving in other areas, such as obtaining employment, caring for children and families, and maintaining mental health and wellness.

Programs and Services: Interconnected Factors

Service providers, advocacy groups, and funders particularly described the intersecting needs of returning citizens and challenges, or “collateral consequences,” resulting from criminal legal system involvement. Housing-related challenges include voucher programs, such as an insufficient number of vouchers and an inefficient process; housing provider discrimination; insufficient transitional housing for returning citizens with children and/or who have experienced domestic violence; and residents’ and landlords’ understanding of housing laws, rights, and protections. Other primary needs include employment and economic opportunities to maintain a livable income, education and training, and obtaining government

“Housing is foundational to the well-being of individuals, children, and families.”

“Housing is the basis of safety and survival.”

“Housing is a right, not a privilege.”

identification and documentation such as birth certificates and driver’s licenses, which affects the ability to obtain housing and employment.

Interviewees also discussed the need for health services and support to address the impact of incarceration on mental and physical health. Services that are responsive to the trauma that individuals have experienced before, during, and after incarceration were mentioned. Reentry and legal service providers highlighted legal needs related to records sealing, expungement, and child support arrears accrued during incarceration. Reconnecting with family members and social supports is critical, and interviewees noted the overarching need for reacclimating to the community. They discussed the importance of feeling safe and adjusting to environments that may have changed since incarceration, from family dynamics, to technology, to gentrified neighborhoods.

“People want paychecks, to be in their own safe space, and to reunite with family.”

Reentry service providers and community and economic development organizations also discussed challenges in their work and ability to address the needs of returning citizens. Primary concerns included opportunities to develop deeply affordable housing and secure funds to buy properties to increase access to housing for returning citizens.

Increasing housing solutions for individuals convicted of sex offenses also was a concern, as *“the number one most at risk for not being housed,”* according to one interviewee. Providers discussed the need for more mental health and social worker staffing, partnership, and funding, with reentry providers describing the mental health sector as *“in crisis”* and *“broken.”* Interviewees suggested meaningfully engaging other stakeholders to address systemic challenges, including community leaders to leverage social capital, people with lived experience, nonprofit collaborations, local and federal government, funders, attorneys, police and correctional officers, physicians and dentists, faith-based organizations, and researchers.

“The justice system and jails is the pot that catches all the other failed systems. So, if there’s any reform the justice and reentry space will benefit from it, but hard to fix reentry when everything else is broken.”

Service System Trends and Opportunities. Some interviewees recognized the increased attention on reentry in recent years and the availability of reentry services and resources in the District, referencing resources such as RAN and the D.C. Reentry Navigator. Interviewees discussed the current – and further needed – shift toward understanding the unique, complex needs of individuals with legal system involvement. This trend focuses on the whole person (person-centered), trauma-informed justice and services, sensitivity to intersectionality (e.g., race, gender, sexual orientation, ability), and efforts to dismantle structural barriers that impact historically marginalized communities. Three representatives interviewed discussed their experience of being impacted by the legal system, sharing that the reentry challenges they or family members faced informed their approaches and services.

Components of effective services include affordable, safe, quality, well-maintained, and sustainable housing. Providers discussed the importance of assistance in the first 72 hours after release, including transportation to housing and connection to other needed services. Other post-release

housing services include transitional housing, recognizing the time returning citizens need to reacclimate and prepare for independent housing. Reentry service providers described promising models that include partnering with developers, owners, and property managers to set aside housing units for returning citizens and subleasing at low or no cost (Who Speaks for Me?) and referring and pairing individuals who are more than ten post-release with host homeowners paid to provide housing (Impact Justice). They reported successful housing placement using these approaches. Interviewees discouraged the use of background checks or asking about criminal legal history as screening tools and suggested using strengths-based tools and frameworks such as the R3 Score;^{lxxx} reliability, trustworthiness, and ambition and understanding challenges (NREUV); and considering individuals' coping skills, ability to live independently, and classes and training completed (Impact Justice).

Effective services also focus on long-term stability and reintegration into the community. As one interviewee explained, reentry and reintegration are related “but not the same thing.” Providers use wraparound services, community navigators and case management, life and soft skills training, financial literacy, trauma-informed mental health services, mentorship and peer support, family reunification, and advocacy strategies to provide comprehensive support. A community and economic development organization distinguished between job training and placement and employment support with a focus on career development and readiness as part of collective impact, long-term success, and economic mobility.^{lxxxi} Providers have encouraged homeownership for stable housing and asset/wealth-building benefits. Strong community support and participation are critical as well, including permanent supportive housing with case managers to help returning citizens navigate family reunification, employment, and the health system; community and peer navigators; family reintegration circles; and opportunities for civic engagement.

Interviewees shared opportunities and goals to increase access to quality affordable housing options for returning citizens, so individuals do not “*have to come home and go to a shelter, live in slum housing, or live in designated ghettos,*” as a provider stated. Reentry providers, community and economic development organizations, and funders expressed interest in deeply affordable housing for individuals at or below 30% Area Median Income (AMI), using empty buildings and adaptive reuse of schools to create quality housing, purchasing properties, and building relationships with landlords and affordable housing developers. Outreach to landlords includes marketing and narrative considerations, such as humanity- and dignity-centered narratives, to change perceptions and address providers' concerns about housing individuals with legal system contact. Providers also suggested reimagining trauma-informed and healing-centered housing and refining assessments of risks, needs, and assets as part of housing and employment application processes to accurately and equitably determine what predicts or correlates with positive or negative outcomes.

“There’s so much investment in 80-120% AMI, but not when you get down to 0-30%, which of course includes returning citizens.”

“The key is to educate people, and story is at the heart of it all. When you hear my story, you want to make change. When you hear a bunch of numbers, it doesn’t resonate.”

Funding Sources

Most interviewees were program-facing staff and were not as familiar with funding sources. Workforce-related programming appeared to have the most substantial dedicated funds to serve returning citizens. Additionally, the only city-level funding source dedicated to supporting returning citizens was the DC Office of Victim Services and Justice Grants (OVSJG), and the only private funder dedicated to criminal justice issues was the Public Welfare Foundation. Fair housing testing appears to be primarily funded by HUD. Other fair housing testing funding appears to be secured via contracts with city and county governments.

One interviewee involved with the District Taskforce on Jails and Justice shared that they have seen the District increase funding for returning citizens from \$1M to \$20M. Two interviewees indicated they are collaborating with the District on affordable housing projects. One of the two projects will focus on housing 50 male returning citizens. The other did not appear to focus on returning citizens but involved a collaboration between an interviewee and the DC Housing Authority. Another interviewee shared that while funding for rental assistance increased over recent years, it remained flat from the previous fiscal year.

With respect to private sources, an interviewee indicated that although it does not have funds focused on returning citizens, it tends to have funding allocations under which interventions for returning citizens would qualify. Current initiatives include building the capacity of permanent supportive housing providers through training and technical assistance to bill for Medicaid reimbursements.

Interviewees expressed the need for comprehensive housing development funding for returning citizens that includes capital, operations, and program/service funds. Interviewees described a general lack of funding for housing returning citizens, and existing funding is not designed to meet the population's service needs in tandem with permanent housing.

To supplement interview data regarding funding sources, the research team compiled a comprehensive list of funders who support affordable housing programming based on identified resources from the Corporation for Supportive Housing (CSH) and interviewees (see Appendix C). Public and private funds for capital (e.g., DHCD, Enterprise), program operations (e.g., Department of Human Services), and support services (e.g., HUD, foundations) are available. Only one government source, OVSJG, is designed to serve returning citizens specifically.

Policy Landscape

Few interviewees could speak to the city's legislative structure or policy landscape. The following is based on three interviewees who have legal backgrounds and/or are involved in advocacy. Two interviewees, one with a legal background and one without, have observed an earnest shift in focus onto the needs of returning citizens five to seven years ago in the District, including increasing providers,

collaboratives, and legislation passed and/or pursued. Further, while the U.S. Congress can block legislative efforts, one interviewee with legal background operating in the reentry space for decades, explained that some of the process is unpredictable and recommends moving forward with attempts for change. Another interviewee perceived some City Councilmembers as genuinely concerned with the needs of returning citizens and encouraged collaboration with them.

Interviewees discussed major and more recent legislative changes with implications on the reintegration of individuals with justice system contact in the District. The legislation spans criminal legal reform efforts, employment, and housing access. Criminal legal reform efforts addressed the automatic and by-motion expungement and sealing of records, sentencing modifications, the treatment of youth with justice system contact, and creating a clemency board.^{lxxxii} One passed, and one pending legislative effort are at the cross-section of criminal legal reform and housing. The 2016 ^{lxxxiii} [The Stop Discrimination by Algorithms Act](#), put forth in 2021 and 2023, is under review by DC's City Council. An interviewee in advocacy and reform ^{lxxxiv} [\(A summary of District of Columbia criminal legal and housing reform policy changes is in Appendix D.\)](#)

Barriers and Disparities

Interviewees affirmed the disparities within the carceral system and quoted statistics regarding the over-representation of Black residents. Additionally, interviewees noted barriers returning citizens face. Interviewees pointed to longstanding beliefs and narratives, a lack of information and resources, programmatic practices, and misguided legislation. The major barriers interviewees cited were related to the carceral system, programming, funding, legislation, and discrimination and fair assessment of individuals with legal system involvement.

Carceral System Challenges. Interviewees identified programmatic barriers and disparities that exist in carceral and service systems. Providers discussed gender and racial inequalities in the carceral system, with one provider describing programs in women's prisons as "languishing." Another noted that men in the Central Detention Facility are in "terrible conditions," and the Central Treatment Facility for women and special populations is "old." The interviewee discussed the plans for the construction of a CTF correctional annex to include space for programs with trauma-informed, healing-centered, and restorative justice approaches.

Program Practices. Interviewees discussed barriers to returning citizens securing transitional and permanent housing, with one person concluding that, "*housing is the number one barrier for successful reentry and reintegration.*" A major concern is restrictive and unsafe housing experiences in transitional housing. Interviewees shared that some clients "prefer to be on the street than in a shelter" because they do not consider them safe places where they feel free. There also are minimal halfway houses in the District. Providers suggested that returning citizens may be unable to afford the rental contribution requirements. They noted that transitional housing may require sobriety, drug tests, and curfews, with restrictions that may feel like incarceration.

Interviewees expressed concerns regarding the tenant-based voucher system in the city. The key concern pertained to a lack of vouchers dedicated to supporting returning citizens and delays in the process. One interviewee described the process of housing people with vouchers as “painfully and fatally slow.” Additional challenges included landlords charging higher rent when a person has a voucher (i.e., overcharging vouchers), discrimination against voucher holders, and vouchers that do not significantly cover increasing rent levels. An interviewee also reported delays in the processing of project-based vouchers, which may dissuade providers from leveraging the program.

“[Vouchers are] a huge problem. DC has millions of dollars, but how come they won’t come up with something to provide housing for people returning from incarceration if you don’t want them to return to prison?”

Lack of Funding Resources and Access. Few interviewees could point to funding designated for returning citizens and to ensure they are appropriately housed. Additionally, one newer reentry provider expressed limited capacity to draft proposals in response to funding opportunities and comply with complex reporting requirements.

Ineffective Legislation. Issues with the Fair Criminal Records Screening and Housing Act of 2016, which stems from the enforcement process, were raised during the interviews. Enforcement rests with the Office of Human Rights and is a minimal fine-based structure, not significant enough to encourage landlords to adhere to the law. An interviewee explained that a private enforcement mechanism is necessary for the law to be effective, so individuals who are discriminated against can file lawsuits and receive compensation for the full harm they experience.

Misperceptions and Lack of Data and Alternative Rating Systems. Stigma and discrimination perpetuate housing challenges. Interviewees discussed the stigma of involvement with the criminal legal system and the “not in my backyard” (NIMBY) mentality returning citizens encounter from landlords, property managers, and residents. Interviewees also discussed tensions around building affordable housing in wealthy wards. In contrast to this resistance, some interviewees suggested a lack of attention or focused federal and local investment in supporting returning citizens compared to other populations, such as individuals who have experienced homelessness. One interviewee suggested that the effects of incarceration on individuals, children, families, and communities are not adequately recognized or addressed and that there is an opportunity for “reentry to be the place where trauma healing begins.”

Interviewees involved in housing returning citizens in scattered sites often referred to the need to build trust with landlords and vouch for the individuals, which causes them to limit their recommendations to individuals in whom they are most confident as tenants. Additionally, a wealth-building nonprofit provider that invests in low-to-moderate-income entrepreneurs believes they would need an alternative risk rating system to better assess individuals and deliberately invest in returning citizens. They noted an existing option developed by one of their clients, the R3 Score. The goal of R3 is to end the use of criminal records in decision-making and provide a rating system that gives a holistic picture of an individual with justice system contact and facilitates their access to needed resources.

However, the provider explained that limits to their investments exist, as they are required to follow the U.S. Small Business Administration’s lending guidance, which does not allow them to finance individuals who have committed financial and sexual crimes.

Enterprise’s Housing Services and Implications on Housing Returning Citizens

ECD’s portfolio of properties in the District of Columbia can be put into the context of the larger city housing market to inform Enterprise and the broader housing ecosystem about ways to support populations with justice involvement. The ECD Annual Resident Survey of its residential properties in the District of Columbia can provide insights into the experiences and needs of tenants to inform Enterprise’s strategies to support residents with criminal legal involvement. Although the data did not include information specific to justice-involved individuals and the survey instrument was not available, the findings have implications for this population. Based on the data provided, residents’ ratings suggested that they were less than completely satisfied with the appearance and condition of their homes and the apartment community, rental office and maintenance services, facilities, and safety and security of the community. The conditions of the properties varied, and those with the lowest ratings were in Ward 8. Wards 8, 5, and 7 have the highest percentages of residents who have been incarcerated, primarily Black/African American communities, concentrated police activity, and the highest amount of housing assistance and residential instability in the District of Columbia.^{lxxxv} The highest-rated properties were senior communities. Most properties had partnerships with local agencies and community-based organizations to address housing stability, health and wellness, food security, education, and community building and engagement, which are critical for returning citizens.

Enterprise Residential rental application policies and practices provide insights about the housing process that can inform Enterprise’s strategies to support residents with criminal legal involvement. Although the screening data did not include property-level or applicant information about applications and review decisions, the findings have important implications regarding rental policies and housing market conditions that may particularly impact justice-involved individuals and their families. Key considerations at the intersection of housing and criminal legal reform include further examination of criminal background check processes for rental applications and financial counseling programs as well as government-issued identification, financial, and rental history requirements. (Appendices E, F, and G contain additional information about rental criteria and applicant screening.)

Section IV: Case Studies on Delivery Models

Building upon the literature review, supplemental research, and key informant interviews, the research team conducted case studies of local housing service models supporting people with justice involvement. The models can guide partners and practices at the intersection of housing and the criminal legal system. Priority areas for the H2J initiative include trauma-informed services and design,

models that connect tenants and landlords (e.g., direct incorporation), housing options such as subleasing approaches, client choice and opt-in to individualized services, and organizations led by people with lived experience. Enterprise is also interested in potential models for ECD and other developers to adapt and partners to engage.

1. Methods and Approach

The research team identified more than 20 programs through literature, interviewee references, conversations with Enterprise, and the H2J Mid-Atlantic Work Group. The following program models were selected based on the priority areas:

- Marian House (Baltimore City)
- No Struggle No Success (Baltimore City)
- Jubilee Housing (District of Columbia)
- Who Speaks For Me? (District of Columbia)

The case studies consisted of 1) 75- to 90-minute interviews with executive and program leadership from each organization regarding organizational background, service model, key strategies, promising (not yet validated) and best (validated) practices, partners and funders, program outcomes, and recommendations; and 2) a review of program websites, reports, and materials. Additionally, Enterprise programs Equitable Path Forward (EPF); Strong, Prosperous, and Resilient Communities Challenge (SPARCC); and Faith-based Development Initiative (FBDI) were examined as examples of flexible capital providers to glean lessons and innovative approaches for capital providers and smaller developers interested in serving individuals with legal system involvement. The research team conducted a cross-case study analysis of the program models to identify promising practices and opportunities to increase quality short- and long-term housing options for returning citizens.

2. Key Findings

The organizations profiled in the case studies varied in leadership, service origins, target populations, and service models. Two entities originated from faith-based institutions, are white-led, have operated for decades, and have \$15 to \$127 million in assets. The two other entities are led by women of color with lived and proximate experience and were established more recently. One newer organization reported \$156,531 in expenses for 2021. Three of the four entities were created to serve individuals with justice system contact. Two added housing-related services for returning citizens.

The entities provide many services and refer out for services they do not provide or are beyond their capacity. All entities offer transitional housing in varying ways. Only one provided permanent supportive housing via the Housing First model. All the models use trauma-informed and patient-centered services. All providers emphasized the importance of hiring staff with lived experience and engaging individuals with lived experience in designing programs and services.

Providers spoke to their clients' varying levels of service needs and preferences regarding living arrangements and support service processes. One provider with lived experience described the tension and pressure to produce outcomes, the belief that reintegration is a process, and honoring clients' desire to feel independent as quickly as possible.

Like many nonprofit service providers, existing resource capacity; the size, composition, and resources of their network; their ability to respond to and manage funding opportunities and funder requirements; and funders' administration of grants and contracts shaped the selected entities' programs. Two providers discussed considering their revenues when designing their models and "right-sizing" limited resources with the level of support they can provide their clients. Providers also have creatively allocated resources or used strategies to compensate for the lack of dedicated funding for returning citizens or decreased funding for transitional housing, such as billing Medicaid and developing relationships with potential donors in multiple sectors that intersect with housing and the legal system.

One entity explained the challenge of adjusting programming to meet the needs of returning citizens while balancing local and federal policies and funding requirements (e.g., HUD's definition of homelessness), which has caused stressors for clients (e.g., having to exit to homeless shelters) and program inefficiencies. The provider also noted that insufficient funding and local government inefficiencies in administering funds have negatively impacted the organization and client outcomes.

Three entities are actively engaged or interested in developing additional housing for returning citizens/individuals with justice system contact (Jubilee Housing, Who Speaks For Me?, and Marian House). Three entities utilize the scattered sites model and value it as a housing solution. However, entities also shared challenges regarding their transitional and/or permanent scattered site placements. Two entities with the most developed scattered sites placement models have taken steps to reduce the risk to their entity. One entity launched a separate Limited Liability Corporation (LLC) through which it processes master/subleasing agreements. The other entity has opted not to sign leases on behalf of its clients due to suits landlords filed against the organization. However, staff still lead and manage relationships with landlords. The organization's leadership believes this decision has not impacted the quality of clients' housing and that it was uniquely positioned to make this change given its positive reputation in the city.

The leadership of the profiled services shared the following lessons, recommendations, and promising practices for providers interested in owning and managing housing and for their supporters:

- Ensure organizations have leadership/staff with lived experience and create space to hear directly from clients to strengthen program design and build trust with clients and partners;
- Engage in advocacy for housing funding for returning citizens, fair housing funding and structures, available high-quality affordable housing, and systems reform;
- Provide trauma-informed, healing-centered approaches and tailored wraparound services;

- Cultivate relationships with key entities in the carceral and local government systems and housing providers/landlords to deepen program impact and facilitate timely housing placements for returning citizens;
- Design and deliver deliberate education efforts for landlords/housing providers to change the narrative about legal system involvement (e.g., presentations, meetings, opportunities to hear from returning citizens; discussion of screening criteria and policies);
- Utilize diverse housing models, with protections, that are responsive to system realities (e.g., barriers, inefficiencies) and to the needs, preferences, and experiences of returning citizens (community or private housing, with or without services);
- Focus on long-term well-being and access to communities with economic opportunities that include living in thriving, resource-rich neighborhoods, wealth-building support, and homeownership opportunities;
- Employ comprehensive and creative funding and capacity-building strategies that are responsive to provider and client needs, given the lack of funding and resources dedicated to housing returning citizens; and
- Establish networks of individuals with development expertise that providers can leverage on a pro bono/reduced rate basis.

Section V: Conclusions and Considerations

A thorough examination of the intersection of housing and the criminal legal system is critical to addressing complex issues that disproportionately affect individuals with legal system involvement, their families, and communities. The information gathered through this landscape assessment via the review of literature and interviews provides insights into opportunities and strategies to build upon promising approaches, address gaps and barriers in programming and resources, and enhance policies to increase access to stable housing. Understanding cross-cutting needs and looking across systems to dismantle structural inequities and “isms” can strengthen the resources necessary to support the reintegration of returning citizens.

Providers described the needs of returning citizens as numerous, intersecting, simultaneous, and immediate. These needs include re-acclimating to the community (navigating family dynamics, technological advancements, gentrified neighborhoods), obtaining government identification and documentation, employment, education and training, mental and physical health care, substance use disorder treatment, and legal and financial support. Housing-related challenges include inaccessible public housing; insufficient and inefficient voucher programs; housing provider discrimination; insufficient transitional and permanent housing; and residents’ and landlords’ understanding of housing laws, rights, and protections.

With affordable housing crisis and subsequent demand for existing limited housing stock, nonprofit providers, government entities, advocates, funders, and policymakers interviewed stressed the importance of elevating the experiences of returning citizens and the vital role of stable housing in their successful reentry. Housing providers face barriers due to public opinion that often characterizes individuals with justice involvement as risks to the safety of others rather than as community members who share the fundamental needs of shelter, security, and safety. An appreciation of the impact of policies, practices, and structures designed to ensure the economic instability and marginalization of Black and Brown communities, which include incarceration, is lost in this perception and stigma. Additionally, with decades of inadequate mental health infrastructure, law enforcement and carceral systems have been left to manage mental health needs in communities.⁷ The vulnerability and high incidences of exposure to violence and trauma, substance use disorder and co-occurring mental health challenges, and learning and other disabilities among justice-involved individuals are not adequately considered or addressed among housing decision-makers. The failures of existing systems that do not center healing and social and economic advancement exacerbate challenges.

While providers deeply appreciate the need for permanent housing for their clients, most were engaged in transitional housing. This focus was due to a combination of factors including, limited

⁷ Poverty USA. A History of Discrimination, Redlining, and Affordable Housing Work in Washington, DC. <https://www.povertyusa.org/stories/affordable-housing-dc>

available resources for reentry service delivery (especially housing), the capacity of the provider to secure funding, programming designed in response to existing system inefficiencies (e.g., waiting periods for government-issued identification and documentation needed for employment and housing), and the belief that some needs are best addressed in high-contact and/or group environments (e.g., substance use rehabilitation). Providers also observed needs and preferences among their clients that they believe a variety of housing options and supportive service approaches would address. Additionally, a 2020 DC Policy Institute report proposed housing alternatives. Options included providing friends and family who house returning citizens upon release financial assistance and offering “medium-term housing” for the first few years post-release, allowing more time to achieve financial stability and ensure long-term independent living.

Providers also discussed the importance of ensuring individuals with lived experience are prominent in program design and delivery and that services are trauma-informed. Trust building with clients was cited as a significant factor in service delivery, which shared experiences can facilitate. Trauma-informed approaches include understanding and working to heal trauma experienced before, during, and after incarceration.

The District of Columbia has been engaged in the advancement of tenant rights, affordable housing, and legal system reform. Interviewees commented on both the many reentry providers in the District and the lack of resources available for these providers to meet demand. Providers described efforts to improve their programmatic impact and reach by collaborating more deeply with the carceral system and engaging individuals pre-release. Interventions to connect returning citizens and individuals with justice system contact with wealth-building strategies and permanent housing were not central among reentry service providers, especially when compared to immediate and short-term resources and support. Additionally, providers shared they did not have the capacity to engage in advocacy beyond testifying for local government budget allocations for their work.

Cross-sector collaborations to address reentry exist in the city. Stakeholders working collaboratively on housing for returning citizens, however, appears to be a newer effort. The Stop Discrimination by Algorithms Act is a current and compelling policy under consideration, with implications for increasing returning citizens’ access to housing.

Post-release success lies beyond recidivism in domains essential to the success of individuals returning to communities, including education, health, family, and employment. The following considerations for Enterprise and other housing providers are landscape assessment findings.

Considerations as Convenor and Advocate:

- Encourage funders to design grant applications and management processes that are responsive to provider capacity. Applications and grants management complexity could increase as provider capacity increases, and/or encourage funders to provide capacity-building and sustainability support.
- Advocate for returning citizen-specific set-asides in existing and new housing programming/resource opportunities (e.g., Affordable Resident Services Act). Effective opportunities are comprehensive, supporting services that span multiple spheres of need (i.e., housing, legal, physical and mental health, economic, educational) and impact (individual, family, and community).
- Encourage funding for permanent housing and comprehensive supportive services for returning citizens that includes capital, operational, program service funding, and/or encourages developers/housing providers to collaborate with existing community-based reentry providers.
- Assist with know-your-rights initiatives/campaigns specifically designed for returning citizens.
- Support and encourage efforts to examine and effectively respond to local Public Housing Authority practices pertaining to individuals with justice system contact.
- Encourage the allocation of financial assistance (e.g., guaranteed basic income) and benefits for returning citizens at levels that are significant/impactful, including single/unmarried individuals.
- Encourage research that produces knowledge on the spectrum of service and housing needs of returning citizens, assesses real versus perceived risks pertaining to housing justice-involved individuals/returning citizens, and identifies promising and best practices in the field.
- Continue to transform existing deficit-based narratives grounded in stigma, discrimination, and exclusion to strengths-based and trauma-informed narratives. These person-centered narratives appreciate individuals' histories and experiences; recognize trauma and marginalization; promote the basic right of housing, healing, and restoration; and challenge the idea that individuals with justice system contact are safety risks and not worthy of chances to reintegrate and participate in their communities.

Considerations as Provider and Program Collaborator:

- Encourage investment and participation in scattered site housing models. There is a growing recognition among reentry providers that housing is a foundational need for their clients and that the nonprofit sector alone cannot meet the demand. Providers are developing programmatic interventions that recruit and collaborate with landlords in the housing of their clients. This intervention requires operational, financial, and service support for clients. Most models include financial assistance with security deposits and rent payments. Providers invest time in identifying and recruiting landlords, drafting agreements, and managing relationships with landlords. Some providers have incurred additional costs by launching separate entities to legally protect their main service delivery entity. This model is a strategy reentry providers use to overcome widespread discriminatory housing practices through assistance such as advocating for clients and serving as the lessee on their behalf.

- Partner with reentry providers referenced in this report and identify additional providers in reentry support databases that can serve as scattered site placement partners and refer tenants with justice system contact.
- Consider increasing trauma-informed engagement, research, and data opportunities, such as designing resident surveys that focus on knowledge production and understanding of the experiences, needs, and challenges of residents to inform Enterprise’s advocacy, programmatic, and convening efforts.
- Examine how to integrate a trauma-informed perspective into housing design and resident services (i.e., Preservation of Affordable Housing [POAH] Trauma-Informed Housing toolkit, the Department of Public Safety & Correctional Services Partnership for Re-Entry Programming).
- Continue to examine the application of HUD’s 2016 Guidance on Application of Fair Housing Act Standards to the Use of Criminal Records by Providers of Housing and Real Estate-Related Transactions, and local legislation, that may have implications on current application processes. Two key components are:
 - **Criminal Record Screenings.** Housing providers are responsible for any decision reached during tenancy screenings, even if they use a third-party screening company. “If housing providers choose to use criminal background screening policies or practices, they should consider taking the following steps to avoid potential violation of the Fair Housing Act: [...] Avoid the use of third-party screening companies that: 1) utilize algorithms that may contain racial or other prohibited bias in their design, 2) have not been shown to reliably predict risk, may produce inaccurate information about the applicant, or 3) make the decision for the housing provider.”
 - **Individualized Assessments.** HUD guidance states that housing providers should “conduct an individualized assessment that considers relevant mitigating information beyond that contained in an individual’s criminal record, as this is likely to have a less discriminatory effect than categorical exclusions that do not take such additional information into account.”^{lxxxvi}

Appendices

Appendix A: Housing as a Pathway to Justice Key Informant Interview Protocol

Overview and Consent

Hello and welcome. Thank you for meeting with us today. My name is _____ and I am with _____. We are supporting Enterprise Community Partners, a national affordable housing nonprofit that aims to make home and community places of pride, power, and belonging, and pathways for resilience and upward mobility. The purpose of this discussion is to hear your views about the intersection of housing and the criminal legal system in the District of Columbia. We want to understand how housing organizations like Enterprise can be part of effective efforts to enhance policies, services, partnerships, and resources to support residents returning to the community from incarceration to reduce recidivism and promote the well-being and stability of families and communities. My role today is to guide our discussion.

Participation and Confidentiality

The discussion will last approximately 60 minutes. With your consent, we would like to record the discussion and take notes so we can keep track of what you share with us. We will not connect your name to your responses so that we protect your privacy, and no one outside of the research team will see the session notes.

Participant Rights^[1]

Your participation is entirely voluntary; you can choose not to respond to any questions you are uncomfortable with or leave at any point if necessary. We will be available after the interview to answer any questions you may have about the discussion or the project in general.

Consent

Before participating in this interview, you were asked to sign an informed consent statement. To participate today, we need your written consent please. If you have not signed it, we can email you the consent form now for your signature.

Are there any questions before we begin?^[1]

Discussion Guide

Introduction

- What is your role within your organization and what does your organization do? With which populations do you work? What services do you offer to these populations? *Probes:* Trends, changes over time to beneficiaries, changes over time in resources and funding to sustain services
- What does your organization do within the housing/criminal legal system/intersection of housing and criminal legal system reform? What led you to this work? *Probes:* Where organizations/interviewees would place themselves in this space (stakeholder, partner type)

Intersection of Housing and the Criminal Legal System

- Who are the key stakeholders (public and private sector) at the intersection of criminal legal system reform and housing in the District of Columbia?
 - Who is providing needed programming?
 - Who is advocating for needed changes?
- How are housing stakeholders currently overlapping with criminal legal system reform?
 - What services are being provided to support returning citizens or people with criminal records?
 - Who in this space has developed a best or promising practice model/intervention?
 - For what changes are groups advocating or organizing to effect as it pertains to housing for returning citizens or people with criminal records?
- What are the most pressing [housing, criminal legal system] issues impacting your work? What efforts to address them exist, are effective, and/or are needed?
 - Please explain how your housing/criminal legal system work impacts and is impacted by criminal legal system/housing.

Populations Disproportionately Affected

- What are the most pressing needs of returning citizens in the District of Columbia? *Probes:* Challenges, immediate to longer term needs, barriers; key areas including housing, employment, education, economic, health, family, social support
- Are there geographic areas of concentration within the District of Columbia that have been particularly impacted by incarceration/incarcerated residents? How?
 - Are there areas with a higher proportion of children with an incarcerated parent, caregiver, or other type of family member?
- What conditions increase and decrease the likelihood of involvement with the criminal legal system and incarceration?

Policies & Practices

- What policies and practices most directly impact your work (positively or negatively)?
- What previous or existing advocacy/policy change efforts to your knowledge improve living conditions for the justice involved in the District of Columbia?

- What would complicate or facilitate policy change efforts for the justice involved and housing in the District of Columbia today? *Probe:* Housing or other policies or programs that are barriers or facilitators, policies that impact interviewee's work
- Are there nuances in the legislative process in the District of Columbia of which housing providers looking to support individuals who are justice involved should be mindful?

Probes: Classification, screening, assessment; housing requirements; how policies and practices affect returning citizens; disproportionate effects for specific groups.

Programs, Services, & Supports

- What supports and services are available/offered to individuals with justice involvement pre-release, upon release, and ongoing? (*In addition to the services your organization provides*)
 - Types of resources specific to and beyond housing and reentry including trauma-informed, healing centered, arts-based
- What supports are available for children with an incarcerated parent or caregiver?
- What supports are available for family members and friends of incarcerated individuals?
 - What services and supports have been most effective?
 - What is needed or would have been most helpful?

Probes: Corrections-, city-, community-based reentry, housing, etc. resources
- Organizations and groups that utilize healing-based modalities and arts & culture?

Partnerships, Stakeholders, & Community Engagement

- Where and how, if at all, are criminal legal system stakeholders currently partnering with the housing sector in the District of Columbia? In what partnerships are you involved? *Probes:* Nature of partnerships, strengths, challenges, how they are working with partners
- Who is focused on serving people with criminal legal system involvement and their children, families, and communities? Are there practices and models that stand out for building in trauma informed practices?
- To date, has there been engagement of the broader community regarding housing people with past arrest or conviction records? What has been response?
- How well do providers/stakeholders in different sectors work together and what partnerships are needed? *Probes:* Stronger or more extensive partnerships with housing providers to support individuals with legal system involvement and their families and communities

Funding/Resources

If the organization provides services or advocates for the justice involved:

- What types of sources do you rely on to fund this work?
 - Public: local, state, federal sources
 - Private: foundations, corporations, individual donors
 - Public and private funds
- Of the funds that are raised to serve justice involved individuals, which source makes up the largest portion of the funds directed toward this work?

- Do you have dedicated funding for this work, or do you serve the justice involved with funds that are not specifically set aside for this population (i.e., pools of funds for general population)?
 - How has the use of “general funds” impacted your organization’s ability to serve individuals with justice involvement? *(If applicable)*
 - Are there sources that providers could utilize to ensure that funds are set aside specifically for returning citizens/the justice involved?
 - What are common federal, state, or county level programs/initiatives that providers typically utilize to support returning citizens/justice involved?

Probes: Existing resources that could be leveraged for reentry (e.g., services and funds for homelessness, veterans, trauma-informed)

Wrap Up, Reflections, & Recommendations

- Of everything we discussed, what do you think is the most important? *Probe:* Priority areas, immediate actions, short- to long-term goals and strategies
- Are there other organizations/individuals that you suggest we contact or interventions/ programs we should examine further?
- Is there any research or data that you have gathered or are aware of that you recommend we review or that you are able to share?
- Is there anything that we have not talked about that you feel is important to mention, or is there anything else you would like to share (ideas, recommendations, needs)?
- Do you have any questions for our team?

Appendix B: Reentry Stakeholders and Providers in the District of Columbia

Stakeholder Sector	Entity Name
Government	Mayor’s Office on Returning Citizen Affairs
	Court Services and Offender Supervision Agency (federal entity)
	DC Department of Health, Addiction Prevention and Recovery Administration (handles substance use treatment referrals from CSOSA)
	Office of the State Superintendent of Education (OSSE), The Adult and Family Education Unit (collaborate with CSOSA and the University of the District of Columbia to provide literacy services)
	Department of Employment Services (provides employment training and placement services)
	Department of Mental Health (CSOSA mental health referrals)
	DC Housing Authority (processes voucher applications in collaboration with Department of Human Services)
	Department of Human Services (collects voucher applications for processing)
	DC City Council
Nonprofit	Public Defender Service for the District of Columbia
	DC Reentry Action Network
	Pathways to Housing DC (first provider in District to employ Housing First)
	Jubilee Housing
	Catholic Charities
	So Others Might Eat
	Council for Court Excellence (convenes District Taskforce on Jails and Justice)
	HOPE Foundation (led by individuals with justice system contact)
	Community Life Services
	Nehemiah Project
	University Legal Services
	Thrive DC
	Voices for a Second Chance
	Who Speaks for Me?
	Washington Legal Clinic for the Homeless
	Legal Aid Society of DC
	Whitman Walker Clinic
	Collaborative Solutions for Communities
	Free Minds
	Woodley House DC
National Association for Returning Citizens	
National Reentry Network for Returning Citizens	

Stakeholder Sector	Entity Name
Collaboratives/ Coalitions	A Chance to Thrive (launching the “Hello, My Name Is” campaign to emphasize the humanity of individuals with justice system contact)
	Second Chance Housing Alliance
	District Taskforce on Jails and Justice <ul style="list-style-type: none"> • Community Investments Committee • Second Chance Housing Alliance • Second Chance Hiring Alliance (in development)
	Tenant Barriers
	People with Fairness Coalition

DC’s Criminal Justice Coordinating Council, CSOSA, the DC Public Defender, and the DC Reentry Action Network produced extensive online directories regarding providers in the city:

Source	Link to Directory
DC Criminal Justice Coordinating Council - Directory of Housing Resources for Returning Citizens	https://cjcc.dc.gov/sites/default/files/dc/sites/cjcc/page_content/attachments/Directory%20of%20Housing%20Resources%20for%20Returning%20Citizens.pdf
Court Services and Offender Supervision Agency (CSOSA)	https://www.csosa.gov/wp-content/uploads/bsk-pdf-manager/2022/05/housing-guide-reentering-dc-women.pdf
DC Public Defender - Resource Navigator	https://www.pdsdc.org/resources/client-resources/d.c.-reentry-navigator
DC Reentry Action Network (DC RAN)	https://dc-ran.org/wp-content/uploads/2021/04/DCRAN-MemberDirectory.pdf

Appendix C: Funding Sources Related to Affordable Housing

Resources Shared by The Corporation for Supportive Housing (CSH)			
Entity	Source	Funding Type	Use of Funds
Capital Sources			
Federal Passthroughs to States for Capital	HOME, Low-Income Housing Tax Credit (LIHTC), National Housing Trust Fund	Public	Capital
DC Department of Housing and Community Development (DC DHCD)	Consolidated RFP includes: LIHTC, Gap Financing, Project-Based Vouchers Housing Production Trust Fund and Low-Income Housing Tax Credit (LIHTC)	Public	Capital, Tax Credits
Philanthropic/Private Funders		Private	Capital
Traditional Debt		Private	Capital
Momentous/Capital Impact Partners	Multiple (i.e., Diversity in Development - DMV Loan Fund)	Public & Private	Capital (some equity grants available)
Enterprise	Financing	Public & Private	Capital
Sources for Operations			
Federal Passthroughs to States for Operating Funds	Housing Opportunities for Persons with AIDS (HOPWA), Veterans Affairs Supportive Housing (VASH), HUD Continuum of Care (CoC) Funding (formerly homeless), HUD Section 202 Supportive Housing for the Elderly Program	Public	Operating funds
DC DHCD & Public Housing Authority	Project Based Vouchers	Public	Operating funds
DC Department of Human Services (DHS)	Local Rent Supplement Program Vouchers	Public	Operating funds
Sources for Support Services			
Federal Passthroughs to States for Services	Substance Abuse and Mental Health Services Administration's Projects for Assistance in Transition from Homelessness (SAMHSA PATH) Program, Community Development Block Grant (CDBG), CoC Funds,	Public	Services

Resources Shared by The Corporation for Supportive Housing (CSH)			
Entity	Source	Funding Type	Use of Funds
	Supportive Services for Veteran Families (SSVF), VASH, HOPWA		
US Department of Health and Human Services - Centers for Medicare and Medicaid Services	Medicaid Housing Services Benefit	Public	Services
US Department of Housing and Urban Development (HUD)	Fair Housing Act	Public	Program Grants
DC DHS	Permanent Supportive Housing Program (Project-based, Tenant-based, and Veteran vouchers include case management)	Public	Services
DC Office of Victim Services and Justice Grants (OVSJG)	Multiple that focus on returning citizens	Public	Services
Local city agencies		Public	Services
Private Funders	Greater Washington Community Foundation ad hoc funding such as Health Equity Fund. Most funds focused on homelessness. Public Welfare Foundation	Private	Program Grants
Partnerships with local providers		Public & Private	Services
Enterprise	HUD Section 4 and other sources	Public & Private	Technical Assistance Grants

Appendix D: Major District of Columbia Criminal Legal Reform and Housing Policy Changes

Bill Name & Summary	Link
<p>Criminal Legal Reform Legislation</p>	
<p>B24-0063 - Second Chance Amendment Act of 2021 <i>(Effective March 2023) Law permits automatic expungement and expungement by motion for certain criminal records, to permit automatic sealing and sealing by motion for certain criminal records, to state the effect of expungement and sealing, to clarify access to sealed or expunged criminal records, and to provide for retroactive application; and to prohibit criminal history providers from reporting criminal history information related to records that have been sealed, expunged, or set aside, to authorize the Office of Human Rights to adjudicate complaints, and to provide penalties.</i></p>	<p>https://lims.dccouncil.gov/Legislation/B24-0063</p>
<p>B23-0127 - Second Look Amendment Act of 2019 (now known as "Omnibus Public Safety and Justice Amendment Act of 2020"; Effective April 2021)</p> <p><i>Establishes sentencing modification guidelines for those who have been incarcerated for at least 15 years and committed certain crimes between their 18th and 25th birthdays.</i></p>	<p>https://lims.dccouncil.gov/Legislation/B23-0127</p>

Bill Name & Summary	Link
<p>B22-0451 – Youth Rehabilitation Amendment Act of 2017 (Effective December 2018)</p> <p><i>Modifies how "treatment" and "youth offender" are defined in the Youth Rehabilitation Amendment Act (increased to 24 years of age from 22). Requires mayor to provide developmentally appropriate facilities, services, care, subsistence, education, treatment, training, segregation, and protection for youth offenders convicted of misdemeanor offenses and those pending trial or convicted of felony offenses.</i></p>	<p>B22-0451 - Youth Rehabilitation Amendment Act of 2017 (dccouncil.gov)</p>
<p>B22-0452 - Clemency Board Establishment Act of 2017 (Effective 2018)</p> <p><i>Establishes a Clemency Board to advance local control over the clemency process by reviewing applications for pardons and commutations for offenders. The Clemency Board will determine which applications to recommend to the President of the United States for clemency.</i></p>	<p>B22-0452 - Clemency Board Establishment Act of 2017 (dccouncil.gov)</p>
<p>Employment Access Legislation</p>	
<p>B21-0244 – Fair Credit History Screening Act of 2015 (now “Fair Credit in Employment Amendment Act”; Effective April 2017)</p> <p><i>Prohibits an employer from inquiring about or requiring</i></p>	<p>B21-0244 - Fair Credit History Screening Act of 2015 (now known as "Fair Credit in Employment Amendment Act of 2016") (dccouncil.gov)</p>

Bill Name & Summary	Link
<p><i>an applicant to provide information about their credit history during some portions of the hiring process. An exception is provided for when local or federal law requires that credit history is considered.</i></p>	
<p>B23-0440 – Removing Barriers to Occupational Licensing for Returning Citizens Amendment Act of 2019 (Effective March 2021)</p> <p><i>Creates a pre-application petition process to determine whether a conviction is directly related to the occupation for which the license, registration, or certification is sought or held.</i></p>	<p>B23-0440 - Removing Barriers to Occupational Licensing for Returning Citizens Amendment Act of 2019 (dccouncil.gov)</p>
<p>Housing Access Legislation</p>	
<p>B24-0096 - Eviction Record Sealing Authority Amendment Act of 2021 (now known as "Eviction Record Sealing Authority and Fairness in Renting Amendment Act of 2022"; Effective May 2022)</p> <p><i>Provides the Superior Court of DC with the ability to seal eviction records in certain circumstances. It would require that the Court seal all other eviction records after three years and authorizes the Court to seal certain eviction records upon motion by the defendant.</i></p>	<p>https://lims.dccouncil.gov/Legislation/B24-0096</p>
<p>Legislation at the Intersection of Housing and Criminal Legal Reform</p>	

Bill Name & Summary	Link
<p>B21-0706 - Fair Criminal Record Screening for Housing Act of 2016 (Effective April 2017)</p> <p><i>Precludes a housing provider from making an inquiry about or requiring an applicant to disclose an arrest or criminal accusation that is not pending or did not result in a conviction prior to making a conditional offer of housing. It provides exceptions to this prohibition including where it is required by Federal law or where there are 3 or fewer rental units and one is occupied by the owner. It establishes penalties for violations and authorizes enforcement powers to the Office of Human Rights.</i></p>	<p>https://lims.dccouncil.gov/Legislation/B21-0706</p>
<p>B25-0114 - Stop Discrimination by Algorithms Act of 2023</p> <p><i>To prohibit users of algorithmic decision-making from utilizing algorithmic eligibility determinations in a discriminatory manner, to require corresponding notices to individuals whose personal information is used, and to provide for appropriate means of civil enforcement.</i></p>	<p>https://lims.dccouncil.gov/downloads/LIMS/52282/Introduction/B25-0114-Introduction.pdf</p>

Appendix E: Rental Criteria

Factor	Criteria
Qualifications	<ul style="list-style-type: none"> • Legal age to complete application, hold a lease, and contract • Internal Revenue Service Low-Income Housing Tax Credit (LIHTC) requirements - income ceiling, full-time student status • Household income and asset verification • Valid Social Security or Individual Tax ID number • “Approved” or “approved with conditions” score, with favorable references and additional security deposit as required • Rental application fee (non-refundable)
Occupancy Standards	<ul style="list-style-type: none"> • Maximum of two occupants per bedroom, unless local housing code differs
Restrictions	<ul style="list-style-type: none"> • Written approval for pets (non-service animals) • Written approval for waterbeds
Application Requirements	<ul style="list-style-type: none"> • Valid driver’s license, passport, or government-issued picture identification • Most recent six concurrent pay stubs and W-2 or 1099 form
Fraud & Bankruptcy	Management may decline: <ul style="list-style-type: none"> • Applications with inaccurate or false information • Applicants with a filed bankruptcy that has not been dismissed or discharged
Criminal Background	<ul style="list-style-type: none"> • Management may decline applicants with a history of a conviction for activity that threatened the safety of residents and/or property

Enterprise Residential has the strictest regulations that HUD allows on criminal background checks based on considerations of risks potential residents pose to apartment community safety. Enterprise Residential’s Rental Criteria and Criminal Conviction Policy state that criminal background checks may be used as qualifying criteria for rental. Enterprise Residential uses a third-party provider, Yardi,⁸ to screen applicants. ECD provided Yardi with its screening criteria to produce color coded results (red, yellow, green) viewed by property managers. Property managers do not see information behind the decision the system produces. Only more executive ECD staff have the capacity to view background information and determine whether to override the system’s decision based on internal criteria (see Appendix E). The process results in the following three outcomes:

- **Accept:** Applicants with approved applications pay the standard security deposit.
- **Conditional Acceptance:** Applications not accepted initially due to an applicant’s credit history (no or marginal credit) are elevated for additional review. Conditional applications are accepted, but applicants pay higher security deposits ranging from \$500 to one month’s rent because of consideration of increased risk.

⁸ <https://www.yardi.com/products/resident-screening/>

- **Denial:** Applicants denied because of credit history are encouraged to apply to the Credit.org Rent4Success program; applicants can receive conditional approval if they present a certificate from the program and a deposit fee. Applicants with a criminal history are either accepted or denied for housing. Applicants can appeal denials to explain their circumstances and histories.

Appendix F: Sample Offense History Assessed in Applicant Screening

Offenses	Felony (Years)	Misdemeanor (Years)
Traffic Violations	None	None
Incarceration (Due to Conviction) Release Date	None	None
Gambling	2	1
Alcohol Related	2	0
Cybercrime	3	2
Embezzlement	3	2
Disturbance to Peace & Order	5	3
Fraud	5	3
Assault &/or Battery	7	3
Robbery, Theft/Larceny	7	3
Drug - Sale, Manufacture, Distribution	20	7
Sex Crimes	Any	Any
Homicide	Any	Any

In addition to the criminal background check criterion, requirements for valid government-issued identification and income verification can disproportionately affect individuals with justice involvement who may have difficulty promptly obtaining identification or supplying employment history upon release from prison or jail. Resources that Enterprise Residential provides to applicants, such as the Credit.org Rent4Success program for applicants with marginal or no credit, also use criminal background screening and require two years of verifiable, favorable rental history.⁹ This process may pose challenges for individuals recently incarcerated.

Appeals Process. Applicants can appeal a denial and receive instructions for the process within denial documents. Enterprise will ask applicants for additional information if they have a conviction in the scope of the offenses in the screening criteria. According to ECD staff, most appeals are due to mistakes in records, to challenge denials based on the age of the offense (10+ years), or the applicant’s age at the time of charge. An applicant has five business days from the receipt of the notification of the right to appeal to provide additional information. Enterprise will review the response and decide whether to override the initial decision. This information can be emailed, mailed, or provided via hardcopy delivery. An application is deemed abandoned if an applicant does not respond to the request for information within the five-day period.

⁹ *Springboard Home Policies and Procedures.*

Appendix G: Overview of Appendix E and Appendix F

Enterprise Residential rental application policies and practices provide insights about the housing process that can inform Enterprise’s strategies to support residents with criminal legal involvement. Although the screening data did not include property-level or applicant information about applications and review decisions, the findings have important implications. Key considerations at the intersection of housing and criminal legal reform include further examination of rental policies and housing market conditions that may particularly impact justice-involved individuals and their families:

- Criminal background check processes for rental applications and financial counseling programs, and perceptions of returning citizens’ risk to residents and property. Aspects of the process, including use of third-party screening vendors, screening criteria, and lookback periods, are important to examine, identify, and reduce implicit and explicit bias. There are two components of HUD’s 2016 Guidance on Application of Fair Housing Act Standards to the Use of Criminal Records by Providers of Housing and Real Estate-Related Transactions that may have implications on ECDs current application processes:
 - **Criminal Record Screenings.** Housing providers are responsible for any decision reached during tenancy screenings, even if they use a third-party screening company. “If housing providers choose to use criminal background screening policies or practices, they should consider taking the following steps to avoid potential violation of the Fair Housing Act: [...] Avoid the use of third-party screening companies that: 1) utilize algorithms that may contain racial or other prohibited bias in their design, 2) have not been shown to reliably predict risk, may produce inaccurate information about the applicant, or 3) make the decision for the housing provider.”
 - **Individualized Assessments.** Housing providers should use an individualized assessment (case-by-case decision) when reviewing criminal record information on applications. HUD guidance states that housing providers should “conduct an individualized assessment that considers relevant mitigating information beyond that contained in an individual’s criminal record, as this is likely to have a less discriminatory effect than categorical exclusions that do not take such additional information into account.”¹⁰
- Requirements for government-issued identification such as a Social Security number, driver’s license, or passport.
- Proof of employment and income history.
- Credit experience and history.
- Requirements for multi-year verifiable, favorable rental history.
- Mailing and email address notification and time limits to respond to requests for information, which might create communication barriers for individuals with unstable housing or disconnection from social supports or sources of information.
- Access to affordable housing, especially for individuals with lower incomes, educational attainment, wage-earning opportunities, and savings.
- Size of affordable and rent-controlled units for families.
- Location and availability of high-quality, safe housing in communities to which individuals are returning.

¹⁰ U.S. Department of Housing and Urban Development (June 10, 2022). *Implementation of the Office of General Counsel’s Guidance on Application of Fair Housing Act Standards to the Use of Criminal Records by Providers of Housing and Real Estate-Related Transactions*. [Assistant Secretary for Fair Housing and Equal Opportunity \(hud.gov\)](https://www.hud.gov/secretary/fairhousing)

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