

Expand housing access for people with conviction histories in Michigan

Housing is a critical unmet need for people looking to rebuild their lives after a criminal conviction. However, people in Michigan coming home from jail or prison have limited housing options because of policies that exclude people with conviction histories from renting or joining an existing lease. In Michigan, public housing authorities alone exclude 284,000 adults with conviction histories—more than 3.5 percent of all adults statewide. These broad exclusions do not promote community safety but do prevent people most in need of affordable, stable housing from securing it. Michigan should revamp its housing policies to allow Michiganders with conviction histories to access housing safely and effectively.

Housing insecurity jeopardizes the well-being of all Michiganders, especially people with conviction histories. Demands for different types of housing in different locations during the pandemic has exacerbated an already tight housing market.¹ Across the nation, a housing crisis has emerged, and Michigan is no exception, with the supply of affordable housing diminishing as prices for homes and rental costs increase statewide.² These factors create housing insecurity for those with the greatest need, including people experiencing homelessness, veterans, and people with criminal legal system involvement. People with conviction histories are especially disadvantaged, as housing providers are reluctant to rent to them or have policies that categorically exclude them as tenants.³ With limited choices, Michiganders often have to resort to living with family, putting strain on family members and potentially jeopardizing the tenancy of the household.⁴

These barriers are counterproductive. Research shows that stable housing is the foundation that makes a person's transition from incarceration back into the community successful: they are more likely to find and keep employment, rebuild support and relationships within their community, and reestablish bonds with family.⁵

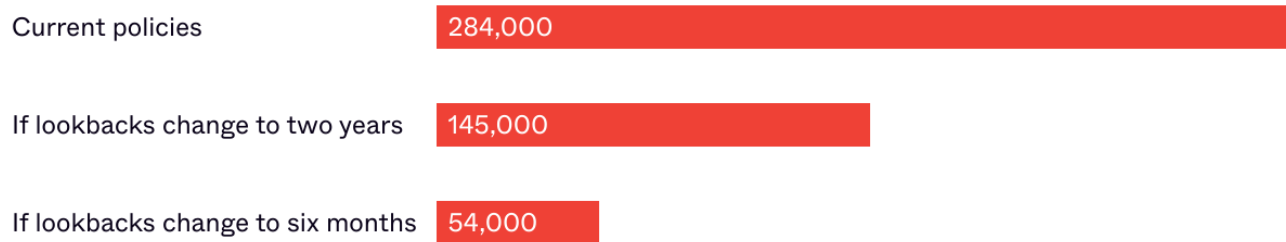
Almost 300,000 Michiganders could access public housing if exclusionary policies were changed. Michigan's 116 public housing authorities (PHAs) are home to 90,000 people.⁶ Yet, for many people with conviction histories, public housing is not available as an option because of local and federal policies that exclude them. Michigan's PHA admissions criteria apply to public housing developments as well as federal housing choice vouchers, commonly referred to as Section 8, which provide rental assistance to low- to moderate-income families. Following the U.S. Department of Housing and Urban Development (HUD) guidelines, all public housing authorities place permanent residency exclusions on people who are required to register on a sex offender registry for life or who have been convicted of producing methamphetamine in federally assisted housing. For other types of convictions, housing authorities exercise their discretion on eligibility criteria.⁷ Public housing authorities in Michigan use wide-ranging discretion, restricting people who are looking to reunite with their families for many years after they complete their sentences.

To provide an estimate of the number of people impacted by exclusionary policies, the Vera Institute of Justice (Vera) analyzed available PHA admissions policies and publicly available data from the Michigan Department of Corrections.⁸ Vera found admissions policies for 31 of the 116 PHAs in the state, but most PHAs do not make them publicly available. To account for this gap in information, Vera assumed that PHAs with vague policies or policies that were not publicly available are following HUD's current non-binding guidance, which recommends PHAs deny housing if the person has a conviction for a serious crime within a "lookback period" of five years (HUD guidance prohibits the use of arrest data alone as a basis for denying admission). Of the available policies, Vera found that some PHAs use lookback periods of 10 years—or even

lifetime bans. As PHAs have the discretion to apply an even longer lookback period than as suggested by HUD, the assumptions underlying this analysis very likely underestimate the number of people with conviction histories excluded from public housing in Michigan.

Vera found that approximately 284,000 adults with conviction histories—more than 3.5 percent of all adults in Michigan—are currently excluded by the policies of the 116 PHAs. (See Figure 1.) The number of people excluded because of their conviction histories would decrease if one simple change were made: shortening the length of the lookback period. Vera selected timeframes of six months and two years to reflect the kinds of PHA admissions policy changes happening across the country. More than 230,000 people would have their eligibility for public housing protected if PHAs were to only consider criminal convictions from the past six months, and more than 139,000 would have access to housing if lookback periods were limited to two years. Policies that expand housing access could affect up to 3 percent of the adult population statewide.

Figure 1. Number of people excluded by PHA policies in Michigan



Stable housing, not exclusionary policies, build community safety

Research from the RAND Corporation finds that most people with a conviction in their past do not ever have another conviction.⁹ A criminal background check provides information about a person at the time of their last conviction but says nothing about their current status and progress during and after incarceration (for example, gains in education, employment, and stability).¹⁰ Michigan has one of the 10 lowest recidivism (return to prison) rates in the nation and, in recent years, has hit an all-time low recidivism rate. Michigan continues to be a leader in supporting policies that build community safety and, in recent years, passed legislation like Clean Slate to remove some barriers to employment, parole reform, and other justice-related policies.¹¹

Now is the time for Michigan to pass policies that increase housing access for people with conviction histories. People with conviction histories are important members of the state who should be met with opportunities, not barriers, when they complete their sentences. Michigan should:

- Consider legislation that limits the lookback period for public housing authorities, as older convictions are not relevant to what a person brings to the table now as a prospective tenant. Illinois, for example, passed the Public Housing Access Bill in 2021, which limits the lookback period for convictions to six months.¹²
- Explore changes to tenant selection criteria for affordable housing, so that new and existing affordable housing in Michigan will be more inclusive of people with conviction histories. Last year, the Louisiana Housing Corporation (LHC) made changes to its tenant selection policies for properties funded by low-income housing tax credit (LIHTC) awards and other funds from LHC. This new policy prohibits the use of arrests and certain misdemeanors as the basis for admissions decisions; places limits on the lookback period for when other types of crimes may be

considered; and requires housing providers to consider evidence of positive behavior and conduct—such as counseling, employment, and recommendations from the community—when making admissions decisions.¹³

About

Fact sheet written by Jacqueline Altamirano Marin, Shaina Calacat, and Niloufer Taber. For more information about this project, contact Margaret diZerega, initiative director, at mdizerega@vera.org. Support for this fact sheet was provided by the Michigan Justice Fund. The Michigan Justice Fund is a collaborative fund committed to promoting and advancing the prosperity and dignity of Michigan residents by stemming the flow of individuals into the youth and criminal justice systems, supporting the investment of public dollars to community-driven alternatives to incarceration and detention, and by ensuring those who are returning home after incarceration or detention receive the support they need to flourish. Learn more at www.cfsem.org/initiative/michigan-justice-fund.

The Vera Institute of Justice is powered by hundreds of advocates, researchers, and community organizers working to transform the criminal legal and immigration systems until they're fair for all. Founded in 1961 to advocate for alternatives to money bail in New York City, Vera is now a national organization that partners with impacted communities and government leaders for change. We develop just, antiracist solutions so that money doesn't determine freedom; fewer people are in jails, prisons, and immigration detention; and everyone is treated with dignity. Vera's headquarters is in Brooklyn, New York, with offices in Washington, DC, New Orleans, and Los Angeles. For more information, visit vera.org.

Endnotes

¹ Jared Bernstein, Jeffery Zhang, Ryan Cummings, and Matthew Maury, "Alleviating Supply Constraints in the Housing Market," The White House, September 1, 2021, <https://perma.cc/CF7Z-JE7U>.

² Dan Netter, "Home Prices and Rental Costs Skyrocket in Michigan and Beyond," WDET, July 14, 2021, <https://perma.cc/JZH5-VATE>; and Nushrat Rahman, "Michigan Has Serious Lack of Affordable Housing — And Crisis Could Get Worse Soon," *Detroit Free Press*, July 29, 2021, <https://www.freep.com/story/news/local/michigan/2021/07/29/michigan-eviction-moratorium-ends/8012908002/>.

³ Jake Neher, "For Ex-Offenders, Housing is a Bigger Hurdle Than Employment," WDET, March 2, 2020, <https://perma.cc/85C5-2AEG>.

⁴ Safe & Just Michigan, "Understanding the Link Between Housing and the Formerly Incarcerated," August 6, 2018, <https://perma.cc/6YDQ-ZDGH>.

⁵ Amanda Geller and Marah A. Curtis, "A Sort of Homecoming: Incarceration and the Housing Security of Urban Men," *Social Science Research* 40, no. 4 (2011), 1196-1213, 1197; Marta Nelson, Perry Deess, and Charlotte Allen, *The First Month Out: Post-Incarceration Experiences in New York City* (New York: Vera Institute of Justice, 1999), 16, <https://perma.cc/J37Z-FSH8>; and Rebecca L. Nasner and Nancy G. La Vigne, "Family Support in the Prisoner Reentry Process: Expectations and Realities," *Journal of Offender Rehabilitation* 43, no. 1 (2006), 93-106.

⁶ Data queried from U.S. Department of Housing and Urban Development (HUD), Office of Policy Development and Research, "Assisted Housing: National and Local, Picture of Subsidized Households," database (Washington, DC: HUD), accessed February 9, 2022, https://www.huduser.gov/portal/datasets/assthsg.html#2009-2020_query.

⁷ For more on barriers to public housing for people with records, see Marie Claire Tran-Leung, *When Discretion Means Denial: A National Perspective on Criminal Barriers to Federally Subsidized Housing* (Chicago: Sargent Shriver National Center on Poverty Law, 2015), <https://perma.cc/5UCD-WF6L>.

⁸ There were some limitations to this analysis, as some PHAs used vague language describing permitted exclusions for "certain types of criminal activity" within a "reasonable time" without further defining the activities or timeframes. For example, the Grand Rapids Housing Commission does not specify the lookback period (timeframe during which arrest and

conviction records are considered for admission decisions) for broad categories of activities that are not clearly defined. See Grand Rapids Housing Commission, *Grand Rapids Housing Commission – Admissions and Continued Occupancy Policy Sheldon Apartments* (Grand Rapids, MI: Grand Rapids Housing Commission, 2011), <https://perma.cc/8DRL-98WR>. Some PHAs have an explicit policy to deny an applicant based on a history of arrests alone rather than a conviction. In 2015, HUD released guidance limiting the use of arrest records in decisions about public housing admissions, assistance, and evictions. The guidance also clarified that HUD does not require public housing authorities to adopt policies that automatically deny admission and automatically evict people based on criminals records or proof of criminal activity. HUD, Office of Public and Indian Housing, *Guidance for Public Housing Agencies (PHAs) and Owners of Federally-Assisted Housing on Excluding the Use of Arrest Records in Housing Decisions: Notice PIH 2015- 19* (Washington, DC: HUD, November 2, 2015), <https://perma.cc/4M9C-4FCW>. By far, the Ann Arbor Housing Commission’s policies are the clearest and provide the greatest access to housing for people with records: the Ann Arbor Housing Commission only screens for the two mandatory HUD exclusions. See Ann Arbor Housing Commission, *Administrative Plan for the Ann Arbor Housing Commission Housing Choice Voucher Program* (Ann Arbor, MI: Ann Arbor Housing Commission, 2020), <https://perma.cc/42ZA-9RRR>.

⁹ Shawn D. Bushway, Brian G. Vegetabile, Nidhi Kalra, et al., *Providing Another Chance: Resetting Recidivism Risk in Criminal Background Checks* (Santa Monica, CA: RAND Corporation, 2022), https://www.rand.org/pubs/research_reports/RRA1360-1.html.

¹⁰ Ibid.

¹¹ The recidivism rate in Michigan is likely even lower than calculated, since these estimates use cohort-based methods which overrepresent recidivism, as they count people who recidivate multiple times in each release cohort that they appear. For example, a person who is released in 2016, recidivates, is released in 2018, and recidivates again will contribute to the recidivism statistics in both 2016 and 2018. State Departments of Correction and the U.S. Department of Justice, Bureau of Justice Statistics calculate recidivism rates using cohorts by year of release. For more on Michigan’s recidivism rates, see Michigan Department of Corrections, “Michigan Recidivism Rate Falls to Its Lowest Level in State History,” 2020, <https://perma.cc/W7FJ-V7UV>.

¹² Community Renewal Society, “Four Monumental Legislative Victories!” January 21, 2021, <https://perma.cc/6SDH-PDH6>.

¹³ Louisiana Fair Housing Action Center, “Advocates Secure New Inclusive Criminal Background Screening Policy at the LA Housing Corporation,” <https://perma.cc/8B8B-WVY6>.