

Housing Sex Offenders in the Community

Results of a Literature Search Conducted for the Washington State Sex Offender Policy Board

by

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June 30, 2009



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Introduction

The primary issue in investigating housing for sex offenders returning to the community is that little research exists that demonstrates the specific effect of housing on sex offender transition. This is not to say that there is no evidence at all regarding sex offender housing, rather that it is too indiscrete (housing is one of many social support or environmental issues linked together) and there is simply too little altogether to be a compelling body of evidence.¹ Research on sex offender housing does little to depict the availability of housing generally in a community nor to demonstrate a relationship between homelessness and sex offense recidivism. Analysis also suffers from the heterogeneity of sex offenders and the scarcity of longitudinal study.²

¹ An example of a specific effort to observe the effect of stable housing on full participation in a transition program is Margaret Severson, *Final Report Federal Partners' Coming Home Initiative: The Shawnee County Reentry Program*, January 2007 <http://www.dc.state.ks.us/reentry/information-folder/SCR%20Final%20Report.pdf>. Researchers for Public Safety Canada, in another example, have developed and continue to test a tool for assessing an offender's potential for recidivism. It balances static factors (those inherent in the individual or unchangeable, as an event in the past, and those that change over time, including current attitudes that may change or current events. Among those is collapse of social supports, such as housing. See R. K. *Assessing the Risk of Sexual Offenders on Community Supervision: The Dynamic Supervision Project*. Ottawa, Ontario: Solicitor General of Canada, 2007 http://www.static99.org/pdfdocs/hansonharrisscottandhelmus_2007.pdf

² Potential exists for longitudinal research in Ohio. The state created a Sex Offender Risk Reduction Center in 1995, integrating outpatient and residential programs directed by mental health professionals and requiring all sex offenders to continue and complete the program after release. The initiative included extensive psychological components and links to community-based programs. Meanwhile, there is concern about sweeping generalizations about "reentry" as an issue. See Jeremy Travis. See, "But They All Come Back: Rethinking

Lacking a compelling body of empirical data addressing the topic, policy makers rely on “evidence” regarding the importance of housing in sex offender transition from:

- General correlations between housing and crime or housing and offender transitions. According to the Justice Policy Institute, of the ten states that spent the largest proportion of their total expenditures on housing, all ten had re-incarceration rates lower than the national average.³ A study of offenders leaving an Illinois correctional institution for structured housing found a 30 percent reduction in recidivism compared to offenders not in the program.⁴ And California’s efforts to provide housing for the mentally ill observed a reduction in days of incarceration (and increase in days of full employment.)⁵
- The testimony provided by sex offenders themselves, who regularly cite a lack of housing as one of the difficulties they face on release from prison.⁶ How severe this problem appears to be relative to other problems reported by transitioning sex offenders varies, particularly among regions. This is not surprising given considerable differences in social-political attitudes that would affect the likely reception and support of sex offenders in American communities. Economic stresses, climate, transit and housing availability will be significantly different among regions as well.
- Theories such as social disintegration, which profiles environmental conditions that are conducive to crime and therefore to recidivism. When sex offenders are faced with housing limitations they may be more likely to find themselves in socially disrupted neighborhoods, heightening the risk of reoffending. How well social disintegration pertains to sex offenses, however, is not well documented. The theory began as an analysis of juvenile delinquency and remains most often applied to general lawlessness. No psychological information yet connects to the specific crimes of the sex offender. Initial studies are intriguing, and further inquiry may clarify the community characteristics that correlate with high or low sex offender recidivism.⁷

Still, the conditions of release that now exist for sex offenders in the community are such that housing dilemmas must result. Whether or not the suspect conditions prove to be critical to recidivism, sex offenders certainly do face obstacles to finding accommodation, which is a logical component of reintegration into a community.

Prisoner Reentry,” *Sentencing and Corrections: Issues for the 21st Century*, May 2000

<http://www.ncjrs.gov/pdffiles/nij/181413.pdf>

³ Justice Policy Institute, Justice Policy Brief “Housing and Public Safety,” November 1, 2007.

<http://www.justicepolicy.org/content-hmID=1811&smID=1581&ssmID=68.htm>.

⁴ Kendall Black and Richard Cho, *New Beginnings: The Need for Supportive Housing for Previously Incarcerated People*. New York: Corporation for Supportive Housing and Common Ground Community (2004): 13.

⁵ Housing California, “Reducing Parolee Recidivism through Supportive Homes,”

http://www.housingca.org/resources/PROMISE_2-page-Overview.pdf

⁶ J.S. Levenson, “Residence Restrictions and Their Impact on Sex Offender Reintegration, Rehabilitation, and Recidivism.” *ATSA Forum*, XVIII, 2 (2007).

⁷ Hardships related to housing and employment, social stigma, a sense of vulnerability, and relationship problems should be recognized as factors that can facilitate recidivism. M. Lees and R. Tewksbury, “Understanding Policy and Programmatic Issues Regarding Sex Offender Registries,” *Corrections Today* February 2006.

General Housing Supply:

For sex offenders to find housing, housing must not only be available and affordable, but landlords must accept them as tenants. Supply can be a major factor in all three conditions. According to the Department of Housing and Urban Development, of the some 100 million occupied, permanent (non-mobile home), year-round houses or apartments in the United States reported on in the 2003 *American Housing Survey* (AHS):

- 3.9 million, or about one in 25 (4 percent), require substantial rehabilitation;
- 13.7 million housing units, or about one in 7 (13.8 percent), need moderate rehabilitation;
- approximately 58 million housing units, or slightly less than six in 10 (58 percent), can make do with minor rehabilitation; and
- 23.5 million housing units, or slightly less than one in 4 (23.7 percent), require no rehabilitation at all.

HUD calculates the cost effectiveness of housing using a housing expense to income ratio (HEIR). An HEIR of 40 percent or more is deemed unaffordable. Of the estimated \$1.3 trillion in rehabilitation investment needed nationwide:

- \$741 billion, or about 57 percent, is deemed affordable (i.e., after rehabilitation the HEIR is less than 40 percent of the income of the potential residents); and
- \$569 billion, or about 43 percent, is unaffordable (i.e., post-rehab, the HEIR is 40 percent or more).

According to HUD, the greatest financial burden is faced by renters rather than owners; central-city residents; the poor and minorities; and those living in the oldest housing units.⁸ Transitioning offenders face the issue of availability and affordability, particularly when they struggle to find employment. Employment and housing can be directly linked: landlords want proof of employment and employers often require a permanent (non-transient) address.

Residency Restrictions

In most communities, residency restrictions confound the sex offender's housing search. Even communities that assist with housing placement often find themselves unable to find properties that meet the requirements. California, for example, spent \$22 million in 2008 supporting parolee housing, but often placed sex offenders in violation of the residency restrictions.⁹

⁸ *Best Practices for Affording the Rehabilitation of Affordable Housing*. US Department of Housing and Urban Development, Office of Policy Development and Research, September 2006
http://www.huduser.org/Publications/pdf/BarriersVol1_part1.pdf

⁹ John Simerman. "State Spends Millions on Rents for Paroled Sex Offenders, Sometimes Illegally," *Contra Costa Times* January 17, 2009.

Background

Largely because the greatest public outcry over sex offenses accompanies serial, predatory violence against children, most American laws occurred as direct responses to individual cases. In the early 1990s, Washington passed its Community Protection Act, New Jersey passed the original Megan's Law, and other states followed in kind.

The statutes initiated sex offender registration, community notification of sex offenders' residences and indefinite civil commitment for those judged "violent sexual predators." Federal legislation extended registration and notification nationwide, requiring all states to create registries (Jacob Wetterling Law) and community notification systems (federal Megan's Law) and established the national sex offender registry. The effect is dramatic. According to the National Center for Missing and Exploited Children, in 1996 approximately 185,000 convicted sex offenders were identified in registries around the country; by 2008 the registries included 660,000.¹⁰

The most famous residency restriction law is Florida's statute, known as Jessica's Law, although six states had residency laws that preceded it. By 2006, twenty states had banned sex offenders from living within 1000 feet, 2000 feet or even 2500 feet of schools, parks, day care centers or any area in which children are likely to congregate.¹¹ Municipalities also added statutes, sometimes before the state acted and sometimes to extend the state limit. According to the Council of State Governments, by 2008 more than half the states had some kind of residency restrictions. These laws resulted from the common assumption that physical proximity causes sex offenders to target children.

- Governments were also acting on strong pressure based on the public belief that:
- Sexual offenders tend to target strangers;
- Sexual offense rates are increasing;
- Recidivism among sexual offenders is higher than among other offenders; and
- Sexual offenders cannot be treated successfully.¹²

In fact, these are myths. Most sexual assault victims are abused by people they know, not strangers.¹³ Further, while sex offenders differ widely in their risk to re-offend, as with violent crimes generally, sex offender recidivism has been steadily declining.¹⁴

¹⁰ *Legislative Trends 2008*, Center for Sexual Offender Management, US Department of Justice, November 2008.

¹¹ *Legislative Trends*, CSOM.

¹² See J.F. Quinn, C.J. Forsyth and C. Mullen-Quinn, "Societal Reaction to Sex Offenders: A Review of the Origins and Results of the Myths Surrounding their Crimes and Treatment Amenability," *Deviant Behavior*, vol. 25, no. 3 (2004) 217; S. Katz-Schiavone, J.S. Levenson, A.R. Ackerman, "Myths and Facts about Sexual Violence: Public Perceptions and Implications for Prevention," *Journal of Criminal Justice and Popular Culture*, vol. 15, no. 3 (2008) 305-306.

¹³ H. Snyder and M. Sickmund, *Juvenile Offenders and Victims: 2006 National Report*, March 2006, Office of Juvenile Justice and Delinquency Prevention, US Department of Justice, NCJ 212960; P. Tjaden and N. Thoennes,

As for the perception of the ineffectiveness of treatment, this impression may arise from early efforts to determine efficacy that were clearly mixed, but more recent research demonstrates that contemporary treatment models are effective.¹⁵

It should also be noted that many of these laws are under challenge.¹⁶ Although appeals have failed in Iowa, decisions by courts in Georgia and New Jersey have overturned some statutes and limited local municipalities' efforts to exceed state rules.¹⁷ States like Minnesota have considered residency restrictions, but not adopted them. Additional challenges based on questions about the efficacy and fairness of the rules can be expected to continue. Still, one well-known television journalist maintains a Jessica's Law watch on his program website, continuing pressure to extend residency restrictions.

Efforts in Colorado and Minnesota to predict the effects of residential restrictions that relied on modeling are often cited because they could find neither correlation between new offenses and residing near areas frequented by children nor any evidence that residency restriction would have prevented any new sex crimes. Minnesota concluded:

Only a minority of the 224 sex offender recidivists directly established contact with their victims. For those that did, they were much more likely to initiate contact with an adult. But even when offenders contacted juvenile victims directly, it was often more than a mile away from where they lived. Of the few offenders who directly contacted a juvenile victim within close proximity of their residence, none did so near a school, park,

Extent, Nature and Consequences of Rape Victimization: Findings from the National Violence Against Women Survey, National Justice Institute Report (2006).

¹⁴ There is a considerable distrust of the recidivism rates because of the notorious underreporting of sex offenses of all kinds. There is no apparent evidence that recidivism rates would be more distorted than initial incident reports; only the observation that the overall incidence of sex offense is likely higher than reported. See Hanson, R.K, and K.E. Morton-Bourgnon, "The Characteristics of Persistent Sexual Offenders: A Meta-Analysis of Recidivism Studies," *Journal of Consulting and Clinical Psychology*, vol. 73 (2005); regarding the actual rates versus public opinion. See S.M. Catalano, *Criminal Victimization 2004*, Washington, D.C.: US Department of Justice, Bureau of Justice Statistics regarding incidence and prevalence trends that indicate sexual and violent crimes are declining.

¹⁵ Most often quoted is the study of the Colorado Department of Public Safety, Report on Safety Issues Raised by Living Arrangements for and Location of Sex Offenders in the Community, 2004, which found participation in treatment significantly reduced re-arrest rates. Other evidence of successful treatment models will be discussed later in the report.

¹⁶ Kavan Peterson, "Anti-Sex Offender Zoning Laws Being Challenged," Stateline.org: 2006 <http://archive.stateline.org/weekly/Stateline.org-Weekly-Original-Content-2006-12-04.pdf>

¹⁷ Iowa's early and strict residency requirement has been challenged several times, but not successfully. The latest review by the US Court of Appeals for the Eighth Circuit upheld the state's 2000 foot restriction. In its most recent session, the Iowa Legislature modified the law somewhat, removing a small number of the most minor sex crimes from the restriction, and adding more specific restrictions about sex offender proximity (not just residence) near schools, playgrounds, and libraries. It altered parts of the registration statute, but basically the 2000' restriction remains. See Legislative Services Agency, Iowa General Assembly 2009 Briefings, June 11, 2009 <http://www3.legis.state.ia.us/ga/committee.do?id=41>

playground or other location where children are normally present. Thus, not one of the 224 offenses would likely have been affected by residency restrictions.¹⁸

Restriction results

Twenty-five hundred feet is almost half a mile. Excluding a zone that large around every site that frequently hosts children can eliminate most, if not all, residential neighborhoods. It can exclude all--or almost all--of a city. The effect is to limit sex offenders to small, generally industrial areas in a city or to highly rural areas.¹⁹ And that results in isolating offenders in areas without social programs, often far from psychological or therapeutic services, often outside the reach of public transportation, and often with highly limited housing and employment options. If all sex offenders are subject to those limitations, then the housing that does exist will become host to a concentration of sex offenders -- another outcome the public fears.²⁰

Restrictions also prevent or complicate family reunification. Most prisoners report that they rely on family as their first line of support on release: physically, fiscally, and psychically. Residency restrictions deny offenders that transition support. And where families wish to remain united, the requirement to relocate can cause substantial inconvenience, stress and cost.

Restrictions also limit access to employment, support services, and can hinder supervision. Supervision is affected because transiency increases. In June 2009 the Boston Globe reported looking for 77 Level 3 sex offenders with Boston addresses. Sixty-five percent had given homeless shelters as their address. "This is a critical issue of grave concern," said Jim Greene, director of the city's Emergency Shelter Commission. "Large, crowded homeless shelters are a militantly anti-therapeutic milieu for people with mental health or other behavior problems. They're just not a place for a Level 3 sex offender to reintegrate into society."²¹ In California, the number of registered sex offenders reporting themselves as homeless increased from 2,050 in June 2007 to 3,267 in August 2008, an increase of 60 percent. Parolees are the only population for which California consistently enforces the residency restriction and their transient registrations increased 800 percent, from 88 in November 2006 to 1,056 in June 2008.²²

Residency restrictions make both prosecution and management of sex offenders more difficult. Residence restrictions have been deemed a major contributor to decreased convictions by plea of guilty

¹⁸ Colorado study op. cit.; Minnesota Department of Corrections, "Residential Proximity and Sex Offense Recidivism in Minnesota," St. Paul: April 2007, 24. <http://www.corr.state.mn.us/documents/04-07SexOffenderReport-Proximity.pdf>

¹⁹ "Iowa's Residency Rules Drive Sex Offenders Underground," *The New York Times*, March 15, 2006.

²⁰ J. S. Levenson and L. Cotter, "The Impact of Sex Offender Residence Restrictions: 1000 Feet from Danger or One Step from the Absurd?" *International Journal of Offender Therapy and Comparative Criminology*, vol. 168 (2005).

²¹ "Many Sex Offenders End Up at Shelters," Boston Globe, June 18, 2009, http://realcostofprisons.org/blog/archives/2007/06/many_sex_off.html

²² Russell Loving, Jennie K. Singer, and Mary Maguire, Homelessness Among Registered Sex Offenders in California: The Numbers, the Risks, and the Response," Sacramento: California Sex Offender Management Board (2004): 1.

because of the onerous effects.²³ And once released, tighter restrictions correlate with greater failure to report.²⁴

Critics also maintain that restrictions perpetuate the myth that all sex offenders are alike and support the public fear that all sex offenders must be avoided. This fear is not subsiding. In June 2009 the Catholic Action Center in Kentucky abandoned its second try at operating supervised transition housing for sex offenders because of resident harassment and vandalism.²⁵

Additional Residency Challenges

Cost

In addition to the shortage of viable housing, costs (and wages) vary widely by state. The National Low-Income Housing Coalition calculates that about one-third of U.S. households are renters. Their publication, *Out of Reach*, provides a side-by-side comparison of wages and rents in every county, metropolitan area and state. For each jurisdiction, the report calculates the amount of money a household must earn to afford a rental unit at average cost in a range of sizes (0, 1, 2, 3, and 4 bedrooms), based on the generally accepted standard of paying no more than 30% of income for housing costs. From these calculations the hourly wage a worker must earn to afford the FMR for a two-bedroom home is derived. By their most recent calculations, renting a 2-bedroom residence in Washington requires a wage of \$16.81 per hour.²⁶

Attitudes of landlords

Sex offenders face a complex mix of factors affecting their ability to secure housing. These usually include: their lack of income and lack of employment skills; health issues compounded by lack of medical insurance; minimal life skills; hostility and fear in the community and among landlords. Landlords' attitudes may be the most immediate issue. Landlords fear that they will be held responsible for actions of a tenant and express concern for safety for other tenants, residents, themselves and their family. These are concerns that can be addressed with better information and with public policy to redress them. These fears can be exacerbated and institutionalized, however, by official federal, state and local housing policies.

Federal Housing Policy

The U.S. Department of Housing and Urban Development (HUD) is responsible for federally subsidized apartments. Their mission is to offer "A decent, safe, and sanitary home and suitable living environment for every American." While HUD provides subsidized apartments through rental subsidy to the owners,

²³ Iowa County Attorneys Association, "Statement on Sex Offender Residency Restrictions in Iowa," February 14, 2006 <http://www.iowa-icaa.com>

²⁴ K. Peterson, op cit.

²⁵ Ashlee Clark, "Agency Moves Sex Offenders after Incidents in Woodhill," *Lexington Herald-Leader*, June 4, 2009 <http://www.kentucky.com/181/story/817737.html>

²⁶ Keith E. Wardrip, Danilo Pelletiere, Sheila Crowley, *Out of Reach 2009*, National Low-Income Housing Coalition, April 2009, 12, 187-189. <http://www.nlihc.org/oor/oor2009/>

the complexes are operated or administered by individual public agencies, private for-profit businesses and non-profit agencies. Subsidized apartment complexes vary in size of units, number of units, accessibility, and services available in the complex or nearby. HUD operates a number of programs targeted for different populations with housing barriers. Subsidies have generally been provided to assist independent living by the elderly, disabled and low-income families. Most operators consider their service incompatible with assistance to offenders, particularly those convicted of sex crimes and arson. But not all HUD programs expressly restrict residency. Some require local housing authorities or grantees to set policies. To most housing analysts, the combination of federal restrictions for some programs and permission to set additional restrictions locally for others results in eliminating federally funded units for transitioning sex offenders. This may be the case effectively in many places, but it is also possible to create local program discretionary options, which should be explored. (A summary of HUD subsidized programs and their policies appear in *Addendum A* of this paper.)

The Dilemma in Scotland

Transitioning sex offenders into the community is not a uniquely American problem. Evaluation of risk and registration of sex offenders create similar controversy, although the international debate over safety versus individual rights is altered by greater privacy protections. Generally sex offenders must register with local law enforcement but those registries are not made public. Challenges to the registration requirements have failed to date because of those privacy protections.

As in the US and Canada, Scottish policy toward violent and sexual offenders emphasizes civic protection, accompanied by a strong interest in reducing the burgeoning cost of custody. Throughout the 1990s Scotland developed policies to improve transition for all offenders. Meanwhile all of the United Kingdom considered the special problems of sex offenders. Two reports respectively known as the MacLean Report in 2000 and the Cosgrove Report in 2001 marked significant changes in policy. The MacLean report led to the adoption of lifelong restrictions and establishment of the Risk Management Authority, established in 2004. The Cosgrove Report proffered recommendations on sex offender transition, including housing. It called for concerted interagency cooperation, more education about sex offenders, and a wider dissemination of effective models. Regarding housing specifically, the report contained three recommendations:

- Develop a national accommodation strategy;
- Develop and education and training program for housing providers and management; and
- Ensure that the Homelessness Task Force's recommendations address the challenges of sex offenders.²⁷

²⁷ Report of the Expert Panel on Sex Offending to the Scottish Executive (2001), *Reducing the Risk: Improving the Response to Sex Offending*. <http://cci.scot.nhs.uk/library3/justice/roso-00.asp>; R. Atkinson, J. Flint and S. Blandy, *Toward a National Accommodation Strategy for Sex Offenders*, Chartered Institute of Housing (2005) 34-42. www.Scottish.Parliament.UK/sbe.hw.business/committees/justice2sub /inquiries/CSO/CSO.18.CharteredInstituteHousingScotland.pdf;

To follow up, the Chartered Institute of Housing (of Scotland) commissioned a report that became the basis of new required procedures for Scottish public (and contracted) housing.²⁸ The guidance was mandatory and caused substantial backlash. Housing programs chartered their own study, including a literature search meant to locate the evidence on which the new practices rested: evidence that housing played an integral part in successful sex offender transition.

They did not find it. Instead the researchers reported:

*We analysed the relevant original research that we had identified. Although we identified a substantial number of documents, surprisingly few had anything to say about the impact of housing on the behaviour of sex offenders. We tried to work back to the source evidence each time. We found that a number of documents reported 'evidence'. But when we looked at the source document, there was no empirical evidence – with the research referring to opinions and assertions rather than evidence.*²⁹

Currently the housing agencies continue to dispute the official policy, requesting further information regarding the policy making process (which they deem arbitrary and not inclusive) and the basis of the government's action. Clearly there are complex reasons for the housing programs' resistance to the policy. In addition to procedural objections, they protest the danger posed to vulnerable residents and neighbors. Still, the multi-national lack of ready information demonstrating the importance of housing to sex offender reintegration is noteworthy.³⁰

²⁸ Nick Fletcher, *Housing Sex Offenders: Implementing the Scottish Executive's National Accommodations Strategy for Sexual Offenders. Practice Guidance for Local Authority Housing Services and Registered Services Landlords*. Chartered Institute of Housing (2006) <http://www.sbe.hw.ac.uk/shbvn/CHR/PDFs/CIH-NASSO-Guidance-2007.pdf>

²⁹ ODS Consulting, *Housing Registered Sex Offenders. A Literature Review*, November 2008, 3. Summary made available on line by the Glasgow and West of Scotland Housing Forum http://www.gwsf.org.uk/cms/documents/ReportSummary_101208.doc?CFID=8535924&CFTOKEN=7ed45ae28803073a-80BD8DC4-3048-2C8C-527549DC08BC47EF

³⁰ It may be of interest that the housing authorities are also locked in a struggle with the regional police over sex offender identities, which are protected in the United Kingdom. The housing authorities report that they seek the information to determine whether or not low-income communities are bearing a disproportionate share of sex offender residents because of the government housing instructions. To date, the courts have not required police to comply with the requests.

Emerging and Promising Practices

What does work? Where appropriate housing is a part of the reintegration experience, advocates assert that sex offender recidivism is lower than where it is lacking. This is true whether the sex offender is placed specifically into housing that is part of a transition program (such as New York's Freedom House or Seattle's Interaction Transition House) or is enrolled in a supportive transition program that includes housing support as one of its responsibilities (Circles of Support and Accountability, for example).

To date, few programs have engaged in rigorous evaluation and, in some cases, evidently no evaluation exists at all. Even when evaluations have been done, programs have been too small or too infrequently replicated to be considered a proven best practice. Nonetheless, several warrant exploration as emerging or promising practices.

Additionally appropriate placement of individuals appears to be essential. Inappropriate housing placements can worsen outcomes for low risk offenders. The assignment of offenders to halfway houses in Ohio, for example, improved outcomes for high risk offenders, but reduced them for low risk offenders.³¹

Background

As noted previously most incarcerated offenders return to family, at least temporarily, upon release. Other options include community-based correctional facilities, "transitional" housing (housing provided, with varying amounts of support services, but not correctional nor federal housing); federally subsidized and administered housing; homeless shelters; housing provided by financial assistance or supportive programs; special needs housing provided by the US Department of Housing and Urban Development; and the private market.³² All have some screening ability, which will usually limit their availability to sex offenders.

Because of the high volume of released prisoners generally and the barriers to placement in housing (landlord disinclination) or public housing (federal and local policies), many transitioning offenders are sheltered by non-profit organizations. Some exist to serve offenders; others simply do not discriminate against them in their broader mission to serve the homeless and low-income populations of their communities.

According to Corianne Scully, National Housing Institute, these generally include:

³¹ C.T. Lowenkamp and E. J. Latessa, *Evaluation Of Ohio's Community Based Correctional Facilities And Halfway House Programs: Final Report*, 2002, 87. http://criminaljustice.cech.uc.edu/docs/research/reports/HH_CBCF_Report1.pdf

³² See a summary of the large number of programs housing offenders in C.G. Roman and J. Travis, "Taking Stock: Housing, Homelessness, and Prisoner Reentry," Urban Institute, 2004. <http://www.urban.org/publications/411096.html>

- Prisoner aid organizations: Generally well experienced in accommodating and supporting transitioning offenders, although some still exclude violent offenders, sex offenders and arsonists. They are generally more focused on the delivery and management of support services than on the development or management of housing.
- Special needs providers: These providers specialize in services and support for the homeless, mentally ill, aging or other special populations in need of intensive services, including mental health and substance abuse services. They may find offenders among their service population, but they do not seek them out nor specialize in the services they may require in transition. Some are not well enough aware of the challenges of housing offenders. They also may lack experience in the development and management of housing.
- Community-based housing developers and managers. These are housing specialists who may provide some services to their residents without being specialist themselves. As sometimes with special needs providers, they may be reluctant to jeopardize funding or neighborhood acceptance to serve offenders, particularly sex offenders.³³

The service provision of these entities is also shifting from concentrated and centralized functions to scattered site models. This arises partly from distaste for the earlier tendency to concentrate disadvantaged residents in dense, isolated communities. The older model could be cost effective to manage, and restructuring services into more, smaller sites can be less expensive for clients and more expensive for agencies.

In addition, housing providers tend to specialize in emergency, transitional or permanent housing. Most offenders' emergency housing needs are met by the same shelters that serve the whole community. Their policies on sex offenders vary, often dependent upon the extent to which they also serve families and children.

Transitional housing (or "phased permanent" or "interim" housing) offers a short-term residence and treatment services.

Permanent housing offers a supportive environment and more intense, more inclusive training and support. Most permanent providers allow lifelong residency, even though skills training may focus on developing self sufficiency. A small number of reentry housing models, such as St. Leonard's Ministries in Chicago and The Fortune Academy in New York City, have developed several housing options in the same or related facilities (further discussion below.)

Examples

The Fortune Academy

Operated by the Fortune Society, New York City, the Academy has developed tiered housing options for transitioning offenders. With forty years of experience as a prisoner aid organization, the Society

³³ C.P. Scally, "Sheltering Ex-Offenders," *NIH Shelterforce Online*, 139 (January/February 2005). <http://www.nhi.org/online/issues/139/exoffenders.html>

strongly advocates the importance of housing in prisoner transition. Lacking expertise in housing development, they relied on consultants and volunteers to help them identify and redevelop an historic property as transition housing. Rebuilding “The Castle” in West Harlem was financed through an extensive capital campaign, which benefitted – as does the daily operation of the facility--from a vigorous commitment to community acceptance and support. Academy staff actively participates in community affairs and maintain an open-door policy for their neighbors.

Strong community support and a careful balance of funding sources allow them to accept controversial residents. Their only restriction is that all residents agree to be employed, in treatment and/or in school for thirty-five hours per week. And residents must not constitute a “present threat of danger.” They operate with federal low-income housing funds, New York state homeless assistance funds, resident “rents” and even historic preservation tax credits available for their unique facility. Although several of these sources have residency restrictions, using multiple sources allows the Academy to maintain a small percentage of beds available to anyone. In fact the Academy is designated both a model treatment facility for HIV-Aids by the US Department of Housing and Urban Development and a model reentry program by the Urban Institute.

All new residents enter emergency housing and can transition to “phased permanent” quarters as space becomes available. Every resident has access to personalized support services and treatment. Although phased permanent housing is not time limited, all residents are encouraged and assisted to find their own housing eventually. Staff develop and maintain a network of landlord partners for that purpose. To date, the Fortune Society reports placement of 83 clients in permanent housing, in addition to the 62 beds in The Academy. The Society reports serving 700 offenders since 2002. It does not provide further data. The Re-entry Initiative of the Department of Justice named the Fortune Academy a model practice.³⁴

Parole-Supported Treatment Program (PSTP)

Operated by Project Renewal, a community-based homeless organization in New York City with links to Community-Oriented and Re-entry Program, a specialized unit at Sing Sing, which prepares volunteer offenders for release. The program refers to other housing providers when PSTP is full. PSTP leases 25-30 apartments from landlords with whom they maintain on-going relationships. Residences are scattered and shared, and residents receive wrap-around services including medical care and vocational training support. The program ends when parole ends, but some participants are referred to permanent support options and residential treatment programs, particularly for substance abuse.³⁵

Harriet’s House

Operated by Passage Home, a North Carolina, faith-based, non-profit community development program, Harriet’s House specifically provides for transitioning women offenders. Women are enrolled six

³⁴Pat Gilbert, “Guide for Developing Housing for Ex-Offenders,” U.S. Department of Justice, Office of Justice Programs, Community Capacity Development Office: May 2004, 21-25; website of The Fortune Society http://www.fortunesociety.org/02_services/academy.html

³⁵ Sharon Sprows, “Reducing Parolee Recidivism through Supportive Homes: Successful Programs by State,” Housing California-Report, 4-5. http://www.housingca.org/resources/PROMISE_OtherStates.pdf

months before release, and begin transition preparation that includes preparation and support for family reunification. The National Criminal Justice Program recognized Harriet's House as an outstanding transition program in the Southern Region for 2009.³⁶

Women's Prison Association and Homes, Inc. (WPA)

With organizational roots dating to 1845, WPA reports being the nation's oldest advocacy and service group for "criminal-justice involved women and their families." It currently operates residential, reentry and neighborhood services. Residential services include:

- Sarah Powell Huntington Family Reunification Residence, which offers 24-hours supervision and treatment services. Working with New York's Administrator for Children's Services, family court and foster programs to reunify women with their children. Most residents are young.
- Family Support Services includes Family Preservation Program which provides intense supervision and support to find housing and continuing in the home to prevent family dissolution due to current or past incarceration.

WPA is creating a portfolio of permanent housing: "Women who seek WPA assistance frequently cite housing as their primary or most urgent need. Given the significant barriers to affordable housing for women with criminal records, WPA seeks to develop a portfolio of housing options that addresses the housing goals of our clients."³⁷ Currently the association operates 8-bed Sunflower House jointly with Housing + Solutions, Inc. Isaac Hopper Home offers housing for up to 20 women.

WPA is a former program of focus for the National Institute of Justice and is highly regarded for providing services to a client population with severe needs and little targeted programming.³⁸ It has worked closely with the William Alanson White Organization to conduct continuous quality improvement on its operations. A formal evaluation was conducted in 2004 but the emphasis has been on qualitative analysis, matching policy and procedures to those recommended by corrections and reentry (and organizational) research.³⁹

Northwest Examples

Transition Services Unit, Multnomah County, Oregon

Provides and coordinates comprehensive services for offender reentry from prison or jail. Provides up to 120 days planning prior to release to coordinate services, including housing. Focuses on offenders with special needs, particularly mental illness, physical and developmental challenges, age and predatory sex offense. Provides services for up to 30 days following release, including finding suitable

³⁶ Gilbert, 17-20.

³⁷ Women's Prison Association and Homes <http://www.wpaonline.org/services/permanent.htm>

³⁸ C Conley, "The Women's Prison Association: Supporting Women Offenders and Their Families," National Institute of Justice, December 1998. <http://www.wpaonline.org/services/permanent.htm>

³⁹ M.B. Borg, Jr. and J McCarroll, "At the Prison-Community Boundary: The Women's Prison Association of New York City," *Women's Studies Quarterly*, vol. 32, no. 3/4 Women, Crime and the Criminal Justice System (Fall-Winter 2004), 86-101.

housing. The Unit partners with community agencies and organizations, including the YWCA, Salvation Army, Volunteers of America, so that appropriate referrals can be made to other facilities, where offenders are monitored by case managers who provide support services, such as substance abuse treatment. Currently provides contract/subsidy housing for 279 offenders, 42 percent of whom are sex offenders.⁴⁰

Bridges to Housing

Bridges to Housing (B2H) serves high-need homeless families throughout the four-county Portland-Vancouver metro area with permanent housing, intensive family services, and child services. B2H leverages resources to fund community-based organizations. The first phase began in spring 2006. Expected outcomes include creating 300 units of housing with services over 10 years. B2H was developed by local governments and housing authorities from Multnomah, Washington and Clackamas Counties in Oregon and Clark County in Washington, as well as nonprofit providers of social services and housing. The program does not categorically exclude sex offenders, but screens for level of risk and appropriate supervision and supplements funding that disallows sex offenders with less restrictive state, local and private funds. The program partners with local correctional agencies to ensure housing staff are properly trained and have adequate procedures for responding to supervision violations. B2H reports a public information campaign to educate the public on the effects of sex offender homelessness. The program allows local adaptation of the housing program to fit each participating community.⁴¹

Seattle Freedom Project:

Teaches mindfulness and non-violent communication to reduce incidents in prison and recidivism after release. Begun by Oregon prison chaplain, Richard Torres, who advocates the benefits and cost effectiveness of spiritual practice as tools for successful reentry. Reports success based on anecdotal evidence, including participant feedback and observer/volunteer testimonials. The associated Safe Returns Program supports prison trainees with a mentoring program, approved by Washington Department of Corrections beginning with offenders released in 2008 from Monroe's Minimum Security Unit. Apparently there are no restrictions regarding the nature of an offender's crime.⁴²

Interaction Transition House

Interaction Transition is a private non-profit agency in Seattle, providing support such as housing, employment, and social support to transitioning offenders. "Interaction Transition's mission and programs are guided by the principle that community involvement with returning offenders increases public safety." Like the Fortune Academy, Interaction Transition House emphasizes community connection both as a program focus and for its clients. The program offers pre-release and community support programs for offenders, in addition to the 18-bed facility. Residents may be male or female

⁴⁰ Multnomah County, Oregon, Department of Community Justice, *Transition Services Unit*.

<http://www.co.multnomah.or.us/dcj/acjtsu.shtml>

⁴¹ www.bridgestohousing.org; Yatchmenoff, Diane, Executive Summary, Bridges to Housing Evaluation 2008 Year-End Report, Portland: Regional Research Institute for Human Services, Portland State University, March 2009, 1-6.

⁴² Freedom Project, From Prisoners to Peacemakers. Site offers output information on numbers of prisoners trained annually and number of total hours of training delivered. <http://www.freedom-project.org/>

felons, incarcerated in or outside of Washington, but it does exclude Level-3 sex offenders and arsonists. The program's history, like the Fortune Academy, presages many of the concepts now furthered in Circles of Support and Accountability, below.⁴³

Of Particular Note

The following two models garner the most attention nationwide.

Shared Living Arrangements (SLA)

Despite fear that sex offenders living in close proximity will aid and abet each other's crimes, Colorado found success when they were housed together. Shared Living Arrangements reduced recidivism rates and improved how promptly parole or treatment violations were apprehended. And this occurred while SLAs contained a high percentage of high risk offenders.

The program is an extension and integration of the *therapeutic community* treatment, in which offenders' living environments are as an extension of both treatment and monitoring. In SLAs, sex offenders are housed in groups, with a minimum of two – and preferably three to four -- other sex offenders who provide informed support in a household. The use of the SLAs contributes to sex offenders' social skills and their accountability to self and others and directly challenges the "secret lifestyle" that can characterize sex offenders. In addition, SLAs allow treatment providers and the criminal justice system to share the task of monitoring sex offenders in the community. Notably, Colorado also concluded from the SLA study that placement of the SLA in an area that other states would restrict had no bearing on offender recidivism and, therefore, should not be considered in location decisions.⁴⁴

Circles of Support and Accountability (COSA)

Circles of support began as a faith-based community support initiative for high-risk offenders in Canada. They have since been adapted and utilized by a wide variety of agencies and organizations, with Minnesota as an early adopter in the U.S. COSA creates an "inner circle" of four-to-seven community volunteers who meet as a group with the offender (called the "core member") at least weekly and also meet with the offender individually as often as daily. The volunteers are in close communication and partnership with professional service providers and the offender's community supervisor. The intent is to reverse the traditional pattern of providers as primary contacts with the offender, which pushes family and friends into a lesser role. COSA acts on the belief that the social network, and the informal assistance it provides, is a primary factor in successful transition. COSA is equally committed to the safety of the community the offender enters, believing that the close relationship the volunteers create with the offender alerts them to any danger the offender might pose. A critical element of the program is full disclosure to the volunteers of the offenders past patterns of behavior.

⁴³ Interaction Transition House <http://www.interactiontransitionhouse.org>

⁴⁴ Colorado Department of Public Safety, Division of Criminal Justice, Sex Offender Management Board. *Report on Safety Issues Raised by Living Arrangements For and Location Of Sex Offenders in the Community*, prepared for the Colorado State Judiciary Committees, Senate and House of Representatives (March, 2004), 22-31.

Unlike most programs, COSA boasts several long-term studies indicating up to 75 percent decline in reoffense rates. One study analyzed elements critical to successful COSA:

1. Must have “singularity of purpose” and group cohesion. Essential to screen volunteers, train them, and ensure they are as committed to restoration as to community protection.
2. Must have open, regular communication with the mental health and corrections professionals.
3. Must be fully aware of core member’s history, including patterns of manipulation and evasion.⁴⁵

Worth Further Investigation

Many innovative programs originated with the Discretionary Grants of the Center for Sex Offender Management of the Department of Justice, which began in 1997 as a partnership of the DOJ, the National Institute of Corrections and the State Justice Initiative. The grants were jointly administered by the Center for Effective Public Policy and the American Probation and Parole Association, which provided the grants to stimulate multi-jurisdictional, cross-discipline teams to develop innovative sex offender management and supervision techniques.⁴⁶ The first three of the following projects started with or benefitted from the early grants and now appear to have been institutionalized in their communities. Evidence of longitudinal evaluations has not been found, however.

Also listed below are a few projects mentioned frequently as models of transitional housing or as innovative new approaches to transitional housing.

Among the original projects were:

Spokane, WASHINGTON, COMMUNITY Policing (COP Shops)

This initiative was not begun nor operated to support sex offender transition, but the concept of community involvement in policing was supported by the discretionary grant program and is mentioned frequently as an innovation related to offender transition. COP Shops are police-community hybrids that are intended to increase official police presence in communities while organizing, training, and supervising community volunteers. Spokane reports significant reductions in crime in neighborhoods with COP Shops and has developed specific requirements for the establishment and operation of the facilities. The program remains highly regarded and with many elements also utilized in COSA, but original project excluded sex offenders.⁴⁷

⁴⁵ Particularly useful studies (of many): A. Bates, R. Saunders, C. Wilson, “Doing Something About It: A Follow-Up Study of Sex Offenders Participating in Thames Valley Circles of Support and Accountability; Stacey Hannem and Michael G. Petrunik, “Circles of Support and Accountability: A Community Justice Initiative for the Reintegration of High Risk Sex Offenders,” *Contemporary Justice Review*, vol.10, issue 2, 153-171; Robin J. Wilson and Michelle Prinzo, “Circles of Support and Accountability: A Restorative Justice Initiative,” *Journal of Psychology and Human Sexuality*, vol. 7, no. 2, 145-155.

⁴⁶ Center for Sex Offender Management, “Case Studies on the Center for Sex Management National Resource Sites, 2nd edition, revised April 2001.

⁴⁷ CSOM, *Case Studies*, 92-97.

Tarrant County, TEXAS, CHAPERONES

Tarrant County applied to use federal grant funds to operate a “chaperone” program. Chaperones were chosen by the offenders and then trained by the sponsors (including annual ‘refreshers’). The program was intended to educate those close to sex offenders about the protection and safety of children, while extending the reach of supervising probation officers in the management of sex offenders. Although Tarrant County received funding for this project, the use of chaperones now appears in several communities, including the District of Columbia. An illustration of the program appears in the District’s community supervision manual, which details expectations and training for chaperones.⁴⁸ The program is a likely predecessor to COSA, which is a more expansive approach.

Chittendon County, VERMONT, VOLUNTEERS

Similarly, Vermont developed a specialized volunteer program in 1987, when the Department of Corrections realized that volunteers working with sex offenders in state institutions were in need of specialized training. The grant supported development in one part of the state, but the program was later replicated statewide and is not the Vermont Treatment for Sexual Abusers program (VTPSA). Volunteers were recruited explicitly for establishing a relationship within the community as a source of support for transitioning offenders and those designated to work with sex offenders received specialized training, provided by probation officers. Sex offenders were also strongly encouraged to develop their own community support networks. DOC staff provided community support when no volunteers were available. As with COSA, volunteers developed close working relationship with parole officers, meeting regularly to discuss signs of potential problems and share their experiences. While COSA provides intense contact for a year, VPTSA focused on support until full-time employment was obtained. Contacts ranged in frequency from daily to two or three times per week. Also like COSA, the volunteers were often recruited through a network of churches. Program supporters emphasized that with registration requirements, sentencing conditions, and selective community notification, volunteers might offer the only relationship that was not focused primarily on risk management. They provided a significant social link to a “regular life.” In addition, volunteers provided models for safe interaction and friendship. No study of the effectiveness of VPTSA was found.⁴⁹

Other programs cited as innovative approaches to transition include:

The Kintock Group

Although principally focused on pre-release employment preparation, this private corporation provides contracted community corrections for New Jersey and Pennsylvania, and the Federal Bureau of Prisons. Kintock provides a residential pre-release program for 170 work-release offenders and additional beds for treatment of substance abuse and an array of other support services are also provided. The program

⁴⁸ The manual entry on chaperones is available online at www.csosa.gov/css/operations/manual/appendices/App-E.pdf. No evaluation of chaperone effectiveness was found.

⁴⁹ Center for Sex Offender Management, *Case Studies on the Center for Sex Offender Management’s National Resource Sites*, April 2001, 77-83.

was formally evaluated in 2003, and participants were found to have lower rates of recidivism than non-participants. The program data collection and tracking system is well regarded. Although chiefly engaged in pre-release housing, the program now offers transition housing and its success with an employment focus is of interest to transition housing analysts.⁵⁰

The New York City Frequent Users of Jail and Shelter Initiative (FUSE)

FUSE is a pilot program of the New York City Departments of Correction and Homeless Services, coordinated with the Department of Health and Mental Hygiene, the New York City Housing Authority and the Corporation for Supportive Housing. FUSE is designed to break the cycle of offenders with mental illness and/or chronic substance abuse who shuttle between correctional institutions, homeless shelters, and emergency health and mental health services, at very high cost to the public. Potential FUSE participants are determined through a quarterly data match between corrections and homeless services to identify people with a minimum of four jail and four shelter stays over the last five years, followed by a cross-referencing with current jail and shelter censuses. The program's first round provided supportive homes to 100 FUSE participants. The Housing Authority agreed to cover rent for 50 scattered-site homes through Section 8 vouchers. To increase access for FUSE clients, a waiver for drug and other convictions was provided for these "sponsor-based" vouchers as long as homes were linked with stabilization and support services. Mental health and homeless services funds provided rent for another 50 units in larger, supportive-home complexes. A JEHT Foundation grant provided \$6,500 for enhanced prerelease and support services for FUSE clients in these 100 homes. Round 2 is now placing another 101 FUSE participants through sponsor-based vouchers and 15 set-asides in larger existing or new, supportive-home buildings. Evaluation of the program is ongoing, but Round 1 of FUSE saw a 91 percent housing retention rate and a 53 percent reduction in jail days in the first year following placement.⁵¹

Returning Home

The Ohio Department of Rehabilitation and Correction and Ohio office of the Corporation for Supportive Housing began a joint project in 2007 to demonstrate how supportive housing can reduce recidivism and homelessness for parolees with mental illness or other disabling conditions. Half the state's prisons currently participate. It is still a pilot project (with a total of 84 offenders expected to participate). Transitioning offenders begin the program while incarcerated. Local housing providers screen and choose the participants.⁵²

Safer Foundation's Focus Apartments

The Safer Foundation has provided employment placement for transitioning offenders. In it launched the Focus Apartment Building in Chicago, with ten apartments offering permanent housing for formerly incarcerated men with chronic or mental illness or significant substance abuse issues who would

⁵⁰ J.L. Jengeleski and M.L. Gordon, "The Kintock Group, Inc.-Employment Resource Center: A Two-Year Post-Release Evaluation Study," *Journal of Correctional Education*, vol. 54, no. 1(March 2003), 27-30.

⁵¹ Sharon Sprows, *Reducing Parole Recidivism through Supportive Homes: Successful Programs by State*. Edited by Karen C. Naungayan, Housing California, http://www.housingca.org/resources/PROMISE_OtherStates.pdf, 6-7.

⁵² *Ibid*, 1-2.

otherwise be homeless. Residents participate in job skills and financial literacy education, mental health and medical treatment and mentoring. They are responsible for the building maintenance and required to open a savings account to save part of their income for future housing. Once they gain permanent employment, they contribute 30 percent of their income to rent. This was also a multi-partnered effort including the Safer Foundation, the City of Chicago, Chicago Department of Human Services, Illinois Department of Commerce and Economic Opportunity, Illinois Facilities Fund, Illinois Housing Development Authority, HUD, the Federal Home Loan Bank, several individuals and local construction suppliers. During a one-year pilot program during construction of the building, all the participants obtained employment and none reoffended.⁵³

Volunteers of America

A faith-based service organization that operates halfway houses for offenders in some of its many service areas. In some communities, chapters have been transferring from residential services to other support services, but the organization has a history of providing transitional residence, and still operates 25 corrections-related halfway houses. Notable programs include Hope House in Camden, New Jersey; women's programs in Indiana (Theodora House) and Minnesota (Women's Recover Center); and several residential programs for formerly incarcerated veterans.⁵⁴

Engaging the Public

In democracies, public opinion drives public policy. To improve sex offender transition it is essential to engage and inform the public, particularly given the significant divergence between public opinion and what research demonstrates reduces sex offender recidivism.

In 2009 the Center for Sex Offender Management prepared a guide recommending "Twenty Strategies for Advancing Sex Offender Management in Your Jurisdiction."⁵⁵ While housing was not a topic of its own, improving public engagement on the general issue of sex offender transition was recommendation thirteen. Engagement affords the opportunity to improve public support for transition and to reduce the disruptions and stresses of unwarranted residency restrictions. And while CSOM proposed Circles of Support and Accountability as its public engagement model, the scale and scope can be larger than that model.

Washington's Department of Community, Trade and Economic Development provides guidance for communities seeking to develop more housing for substance abusers, another client group with significant barriers to accommodation. Notably, their suggestions include more targeted outreach to the real estate industry.⁵⁶ In assistance to local housing providers, they recommend tactics as simple as

⁵³ Ibid, 8.

⁵⁴ <http://www.voa.org/Services/CommunityCorrections/tabid/2859/Default.aspx>

⁵⁵ CSOM, "Twenty Strategies for Advancing Sex Offender Management in Your Jurisdiction," http://www.csom.org/pubs/twenty_strategies.pdf

⁵⁶ Their suggestions: Provide monetary assistance and protections; outreach to the real estate industry; tenant supports; and subsidized housing resources. In addition, Washington's 10 Year Plan to End Homelessness can be accessed at <http://endhomelessnesswa.org/about/C5/>.

meeting with landlords and neighborhood community organizations to address their safety concerns and ensure they understand both their rights and their responsibilities under applicable federal, state and local law. If possible, community planners may be able to identify incentives for landlords, but the crucial factor is establishing lines of communication that can become lines of trust. Community partners are advised to insure landlords are provided with accurate information about sex offenders and, in turn, that sex offenders understand what makes a good renter and a good neighbor.⁵⁷

OBSERVATIONS

Scientifically valid research does not yet offer a solution to the dilemma of housing sex offenders in the community. Still, the literature indicates several trends that can be considered promising practice.

Among these are:

- **Ensure transition preparation** for incarcerated offenders. Provide them with the basic social and life skills necessary to obtain and sustain both housing and employment.
 - Recognize that housing and employment are inseparably interconnected.
- **Provide public assistance in obtaining housing.**
 - “Assistance” can include helping offenders:
 - Locate suitable housing, particularly where residence restrictions limit availability;
 - Afford the costs of establishing a residence, which can include rental fees and deposits; utilities fees and deposits; costs of basic supplies.
 - “Assistance” should include work with landlords and housing authorities to ensure they understand these clients and the programs that can support them.
 - “Assistance” may also mean promoting or supplying housing that is not available in the regular housing market, such as transition housing, half-way houses, shared-living arrangements and other options.
- **Provide social support for transitioning offenders.** Whether a community employs trained chaperones, houses offenders in shared housing, or creates Circles of Support and Accountability, the mobilization of knowledgeable non-offenders willing to provide frequent contact and support and to enforce expectations greatly extends the ability of public entities to supervise and support successful transition.
- **Promote public understanding.** The public does not understand the wide variety of crimes classified as sex offenses nor the low recidivism rate among sex offenders generally. They do not recognize the ways in which state and local authorities already restrict reentry of the most likely to reoffend. Their misperceptions are projected onto all transitioning sex offenders through the attitudes and practices of landlords and employers and through the actions of their political representatives, complicating and perhaps thwarting successful transitions.

⁵⁷ Washington State Coalition for Homeless Conference presentation, May 13, 2009. http://homeless.ehclients.com/images/uploads/W-02_sex_offender_housing_slides.pdf See slide 5 for recommendations.

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ADDENDUM A

U.S. Department of Housing and Urban Development Rules Regarding Subsidized Housing for Ex-Offenders

PROGRAM	CFR Reference	POLICY RESTRICTION	COMMENTS
Supportive Housing Program Homeless Programs Shelter Plus Care	Local landlord/tenant laws	NO FEDERAL RESTRICTIONS Applicants have discretion to design projects fitting needs of target population	Local community notification laws apply
Community Development Block Grants HOME	Local landlord/tenant laws	NO FEDERAL RESTRICTIONS Subject to local policy decisions governing usage or provider/grantee restrictions	Local community notification laws apply
Section 202	24 CFR part 5, subpart 1	Lifetime registered sex offenders, certain drug-related criminal behavior	Aside from policy restrictions, owners may develop more stringent screening
Section 811	24 CFR part 5, subpart 1	Lifetime registered sex offenders, certain drug-related criminal behavior	Aside from policy restrictions, owners may develop more stringent screening
Low Rent Public Housing Re Sex offenders Low-Income Individuals	24 CFR 960.204(a) -66 FR 28800; 05/24/2001 24 CFR 966.4(1)(5)(ii) – 66 FR 28803; 05/24/2001	PHA must establish standards to prohibit admission if member of household is subject to lifetime registration requirement under a state SO registration program where housing is located or where applicant has resided	Lease must provide that any criminal activity by a covered person that threatens the health, safety or right to peaceful enjoyment of their residences by persons residing in the immediate vicinity may be grounds for termination of tenancy
Low Rent Public Housing Re Dangerous Mentally Ill Offender	24 CFR 960.202(a)(s)(iii) – 66 FR 28799; 960.203.(c)(3) - 66 FR 28800; 966.4(1)(2)(i) – 66 FR 28803; 966.4(1)(5)(ii) – 66FR 28003 05/24/2001	PHA must establish admission standards that prevent admission of applicants whose habits and practices reasonably may be expected to have a detrimental effect on the residents or the project environment	PHA is responsible for screening family behavior and suitability for tenancy. PHA may consider a record of disturbance, destruction of property (etc.) and may consider a history of criminal activity involving crimes of physical violence to persons or property and other criminal acts which would adversely affect the health, safety or welfare of other tenants.
Section 8 Moderate Rehabilitation Re Sex Offenders – Low Income Individuals	24 CFR 882.518(a)(2) – 66 FR 28797; 882.518(c)(2)(i) – 66 FR 28798 05/24/2001	PHA must establish standards to prohibit admission if any member of household is subject to lifetime registration requirement under state sex offender registration program where housing is located or where applicant has resided	PHA must establish standards allowing PHA to terminate assistance if household member is engaged in criminal activity that threatens the health, safety, or right of peaceful enjoyment of the premises by other residents or by persons residing in immediate

PROGRAM	CFR Reference	POLICY RESTRICTION	COMMENTS
			vicinity.
Section 8 Moderate Rehabilitation Re Dangerously Mentally Ill Offender	24 CFR 882.518(b)(1) – 66 FR 28797; 882.518(c)(2) – 66 FR 28798 05/24/2001	PHA may prohibit admission under standards established by the PHA if the PHA determines that any household member is currently engaged in or has engaged in during a reasonable time before the admission decision in a violent criminal activity which may threaten the health, safety or right to peaceful enjoyment of the premises by other residents or threatens health or safety of the owner or any employee, contractor, subcontractor, or agent of the owner	PHA must establish standards allowing PHA to terminate assistance if PHA determines that any household member is engaged in criminal activity that threatens the health, safety or right to peaceful enjoyment of the premises by other residents or by persons residing in the immediate vicinity of the premises
Project-based Section 8 Multifamily	24 CFP part 5, subpart 1	Lifetime registered sex offenders, certain drug-related criminal behavior	Aside from policy restriction, owner may adopt more stringent screening
Tenant-based Section 8 Housing Choice Voucher – Sex Offenders Low-Income Individuals	24 CFR 982.553(a)(2)(i) – 66 F 28805; 982.553(b)(2) – 66 FR 28806; 05/24/2001 928.310(a); 928.310(c)	PHA must establish standards to prohibit admission if member of household is subject to lifetime registration requirement under a state sex offender registration program where housing is located or where applicant has resided	PHA must establish standards allowing PHA to terminate assistance if PHA determines that any household member has violated family’s obligation under 982.551 not to engage in violent criminal activity (“any illegal activity that has as one of its elements the use, attempted use, or threatened use of physical force against the person or property of another.) Owner may terminate tenancy if tenant or any member of household, guest or another person under tenant’s control is involved in criminal activity that threatens health, safety or right to peaceful enjoyment of premises by other residents or residents in immediate vicinity

PROGRAM	CFR Reference	POLICY RESTRICTION	COMMENTS
Section 8 Housing Choice Voucher Dangerously Mentally Ill Offender	24 CFR 982.553(a)(2)(ii) – 66 FR 28805 05/24/2001	PHA may prohibit admission of a household if PHA determines that any household member is currently engaged in, or has engaged in during a reasonable time before the admission, violent criminal activity or other criminal activity that may threaten the health, safety or right to peaceful enjoyment of the premises by other residents or person residing in immediate vicinity or criminal activity which may threaten the health or safety of the owner, property management staff, or person performing contract functions on behalf of PHA	
Indian Housing Block Grant Program	Native American Housing and Self Determination Act	The tribe or its tribally designated housing entity (such as IHA) has flexibility to adopt it won occupancy standards/policies. This includes policies on convicted felons. It would be necessary for a tribal member to determine policy from the tribe/TDHE	
Indian Community Development Block Grant Program – Shelter for Homeless (temporary shelter)		The tribe determines the eligibility for these programs	All HUD funded Native American programs are for housing Native Americans. Tribes can house any Native American from any federally recognized tribe, not just their own

Information from Washington Department of Community, Trade and Economic Development
<http://www.cted.wa.gov/site/1036/default.aspx>