



CREATING PATHWAYS TO HOUSING OPPORTUNITIES FOR PEOPLE WITH LEGAL SYSTEM INVOLVEMENT

INTRODUCTION

In recent years, homelessness in New York City has reached the highest levels since the Great Depression of the 1930s.¹ According to the State of the Homeless 2020 report by the New York Coalition from the Homeless, around 20,000 single adults become homeless and enter the Department of Homeless Services (DHS) shelter system each year. An estimated 11 percent of single adults entering the shelter system in Fiscal Year 2019 cited release from jail or prison as their reason for experiencing homelessness. Of the people released from New York State prisons to New York City, 52% were released directly to the NYC shelter system, comprising 3,614 people.²

Housing is critical to ensuring the health and wellbeing of people who have been formerly incarcerated, as they are almost 10 times more likely to be homeless compared to the general public.³ Rates of homelessness are highest for people who have been incarcerated more than once, people recently released from prison, people of color, and women. According to the Prison Policy Initiative, 203 out of every 10,000 formerly incarcerated people were homeless and nearly three times as many (570 out of every 10,000), were housing insecure.⁴ Improving access to stable, affordable housing substantially increases the likelihood that a person leaving prison or jail will reconnect with family, find employment, and rebuild a supportive network. Creating housing opportunities reduces reliance on the shelter system and increases public safety.

The obstacles that individuals and families experiencing homelessness must overcome to find a pathway into permanent housing are considerable: the scarcity of Section 8 vouchers, restrictive New York City Housing Authority (NYCHA) policies; a shortage of affordable housing compounded by poorly targeted City-subsidized housing construction; City and State rent vouchers that limit eligibility; and rampant discrimination that freezes New Yorkers of color out of the housing market.

¹ J. Crouse, *The Homeless Transient in the Great Depression: New York State, 1929-1941*, SUNY Press, 1986.
P. Rossi, "The Old Homeless and the New Homelessness in Historical Perspective," *American Psychologist*, vol. 45, no. 8, pp. 954-959, 1990.

² Coalition for the Homeless: "State of the Homeless 2021." April 2021.

Available at: <https://www.coalitionforthehomeless.org/wp-content/uploads/2021/04/StateOfTheHomeless2021.pdf>

³ Prison Policy Initiative. "No Where to Go: Homelessness among formerly incarcerated people. August 2018.

Available at: <https://www.prisonpolicy.org/reports/housing.html#raceandgender>

⁴ Prison Policy Initiative. "No Where to Go: Homelessness among formerly incarcerated people. August 2018.

Available at: <https://www.prisonpolicy.org/reports/housing.html#raceandgender> (Figure 3).

“Housing First” is a recovery-oriented approach to ending homelessness that centers on quickly moving people experiencing homelessness into independent and permanent housing and then providing additional supports and services as needed.⁵ The basic principle of “Housing First” is that people are able to take better care of themselves, make improvement in their lives, and accomplish their goals if they are first in stable housing. When people who are leaving incarceration are safely housed, they have fewer non-violent offenses, helping them stabilize their lives in the community.⁶

1. CREATE PERMANENT HOUSING VIA HOTEL CONVERSIONS SPECIFICALLY FOR PEOPLE WITH LEGAL SYSTEM INVOLVEMENT

The Mayor’s Office of Criminal Justice (MOCJ) has successfully provided emergency housing for New Yorkers released from jails during the COVID-19 pandemic by master-leasing hotels across the city. Hotel residents have benefited from services provided by non-profits that hire New Yorkers who are themselves Black, Indigenous, People of Color (BIPOC) and directly affected by the legal system. These hotels are specific to the reentry community, separate and apart from other hotels that temporarily housed New Yorkers experiencing homelessness during the pandemic. The City must now ensure the availability of such transitional housing on a long-term basis while also providing pathways to permanent housing for these individuals.

The Mayor and City Council should double the number of funded transitional housing beds from 500 to 1,000. Doing so would require a City budget increase from \$25 million to \$50 million dollars. Leasing hotels may be a worthwhile investment in the short term, but long term the City should expand the housing supply by converting these hotel rooms into supportive and deeply affordable housing options. In doing so, the City should ensure that the programs managing the transitional housing have resources and tools sufficient to move people along a housing continuum from transitional to permanent housing placement, with or without supportive services, depending on an individual’s needs.

The Mayor’s Office, the Mayor’s Office of Criminal Justice, Deputy Mayor of Housing and Economic Development Vicki Been, and the Commissioners for housing, health, and social services must take executive action to secure long-term master leases for these hotels and explore the possibility of hotel room conversions into long-term supportive and affordable housing units. In addition to City Council Speaker Corey Johnson, City Council members such as Stephen Levin, Brad Lander, Vanessa Gibson, and Daniel Dromm have been vocal allies on these trending issues.

2. CONSTRUCT NEW TRANSITIONAL AND PERMANENT SUPPORTIVE HOUSING FOR PEOPLE IMPACTED BY THE LEGAL SYSTEM

With family support, some people are able to get “back on their feet” and upon release from confinement obtain housing, financial benefits, and other resources. But many people are not able to do this without strong support services, especially people in this population who have diagnosed

⁵ Housing Hub. “Housing First.” Available at: <https://www.homelesshub.ca/solutions/housing-accommodation-and-supports/housingfirst#:~:text=The%20basic%20underlying%20principle%20of%20Housing%20First%20is.and%20addictions%20issues%20as%20it%20is%20for%20anyone.>

⁶ Florida Coalition to End Homelessness. “Housing First for the Criminal Justice Population.” October 2019. Available at: <http://fchonline.org/wp-content/uploads/2019/10/Housing-First-for-the-Criminal-Justice-Population.pdf>

mental health needs. The key components of quality supportive housing⁷ allow people to thrive and integrate into their community. While one of the key components of supportive housing is that services are voluntary, most tenants work with their case managers to find employment, connect to physical and behavioral healthcare, integrate with their community, and establish relationships with family members, while consistently ensuring that their housing is safe and maintained.

Examples in NYS, NYC, and across the country have shown supportive housing to reduce public expenditures. The 2013 NY/NY III Interim Report found that when placing individuals in supportive housing, there is an average annual savings of \$1,298 in jail costs per person; the cost is even greater when looking at chronically homeless adults with behavioral health needs at an average savings of \$1,776.1.⁸

The Mayor and City Council can increase funding in the current and upcoming fiscal years for developing transitional and permanent supportive housing. This would mean focusing on Justice-Involved Supportive Housing that avoids federal definition restrictions (see section 12 below for further clarification) and moving up the allocation of \$25 million promised in the Close Rikers Points of Agreement from FY22.⁹

The Mayor's Office, Deputy Mayor of Housing and Economic Development Vicki Been, the Commissioners for housing, health, and social services along with The City Council must take executive action to allocate the funds necessary to realize new housing opportunities for people impacted by the legal system. In addition to City Council Speaker Corey Johnson, members such as Stephen Levin, Vanessa Gibson, Daniel Dromm, and Brad Lander have been vocal on the relevant spending issues.

3. RESTORE VACANT PROPERTIES TO ACTIVE USE FOR HOUSING

Develop programs that restore vacant properties to active use that contribute to the supply of affordable housing for low-income New Yorkers, as called for in the Housing not Warehousing Act (Intro 1034, 1036, and 1039). The bills required the Department of Housing Preservation and Development (HPD) to report on the vacant buildings or lots under the jurisdiction of HPD. This report further categorized the buildings and lots by potential and feasibility for development as affordable housing. Via these bills, information was gathered to count all the vacant property in Manhattan in 2006, and then all vacant property citywide in 2011. The results demonstrated a massive potential to create the critical housing to meet the needs of people experiencing homelessness in New York City. Through this study, enough vacant property was found to house 199,981 households.¹⁰

⁷ Corporation for Supportive Housing. "Dimensions of Quality Supportive Housing Guidebook." 2013. Available at: https://d155kunxf1aozz.cloudfront.net/wpcontent/uploads/2013/07/CSH_Dimensions_of_Quality_Supportive_Housing_guidebook.pdf

⁸ New York City Department of Health and Mental Hygiene in collaboration with the New York City Human Resources Administration and the New York State Office of Mental Health. "NY/NY III Supportive Housing Evaluation: Interim Utilization and Cost Analysis." Available at: <https://shnny.org/images/uploads/NY-NY-III-Interim-Report.pdf>

⁹ Borough-Based Jail Plan Points of Agreement. October 18, 2019
Available at: http://council.nyc.gov/data/wpcontent/uploads/sites/73/2019/10/BBJ_Points_of_Agreement_Rikers.pdf

¹⁰ The Observer: "Pols, Advocates: Count City's Vacant Properties to Solve Homeless and Housing Crises." September 15, 2016. Available at: <https://observer.com/2016/09/pols-advocates-count-citys-vacant-properties-to-solve-homeless-and-housing-crises/>

The affordable housing and homelessness crisis we face presents an incredibly complex problem, and this package of legislation provided us with essential tools toward creating solutions. Using the results from this study, we are better able to understand the extent of property warehousing throughout the five boroughs, and can craft real policy solutions that create housing for all New Yorkers, especially those who are impacted by the legal system currently without homes.

Nonprofits, such as Exodus Transitional Community, are uniquely positioned to develop affordable housing for low-income, justice-impacted New Yorkers. The Mayor's Office, HPD Commissioner Louise Carroll, and Housing Development Corporation (HDC) Commissioner Eric Enderlin should assist mission focused nonprofits in securing vacant properties and the financing necessary to construct permanent affordable housing for people with legal system involvement.

4. EXPAND ALLOCATIONS OF CITY-FINANCED HOUSING AND INCLUDE DESIGNATIONS FOR NEW YORKERS WITH LEGAL SYSTEM INVOLVEMENT

At the beginning of Fiscal Year 2021 (July 2020), Local Law 19 (Intro 1211)¹¹ went into effect, requiring developers of new construction that is city-financed to set aside at least 15% of new apartments for households formerly experiencing homelessness.

The City could work with HPD to expand the percentage of units set aside for households formerly experiencing homelessness to, at minimum, 25%. This additional ten percent of allocated housing units should be used specifically for households formerly experiencing homelessness with at least one member impacted by the legal system. Finally, this legislation should be expanded to include any housing development initiative (new construction or existing renovations) of any size.

Within each of type of city-funded housing initiative, HPD has the ability to set aside a designated number of units for specific populations. For example, the Extremely Low & Low-Income Affordability Program funds the new construction of low-income multi-family rental projects. That project sets guidelines in which a minimum of 80% of the units are at low income rents affordable to households earning up to 80% of Area Median Income (AMI). Up to 20% of the units may have rents affordable to moderate income households earning between 90% - 100% of AMI. At least 15% of units in this Program must be set aside for households formerly experiencing homelessness. All HPD programs should be evaluated to determine if there is the capacity to expand the set-asides for households formerly experiencing homelessness, and within that designation to specify a certain number of units particularly for people impacted by the legal system.

The Mayor's Office, the Deputy Mayor, the HPD Commissioner, and the Housing Development Corporation (HDC) Commissioner should take intentional steps to allocate a portion of any city financed housing to people with legal-system involvement. Within each of its housing initiatives, HPD should categorically seek out ways to allot units to people with legal system involvement. HPD should explicitly seek to fund projects aimed at housing New Yorkers with legal-system involvement by partnering non-profit reentry service providers with for-profit Developers to

¹¹ The New York City Council. Local Law 19/Intro 1211. Available at: <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=3713966&GUID=2A26D80A-5759-445D-A16B-B0F370CA0D32&Options=&Search=>

address the ongoing crisis of homelessness in New York City. Robert Cornegy, Chair of the Committee on Housing and Buildings can hold the administration accountable and support initiatives through legislation.

5. COMBAT DISCRIMINATION AGAINST NEW YORKERS AFFECTED BY THE LEGAL SYSTEM

Discrimination continues to play a pervasive role in denying people access to decent and affordable housing, whether based on race, disability status, arrest or criminal conviction, household composition, or source of income. Our neighbors who have been involved in the legal system have a notoriously difficult time accessing stable housing. In New York City, landlords are legally allowed to discriminate against people who have an arrest or conviction record by denying them housing opportunities. The City Council should pass the Fair Chance for Housing Act (Intro 2047)¹² to make it illegal for landlords to discriminate against New Yorkers with legal system involvement.

Once passed, the City must allocate sufficient resources to ensure landlords are properly educated around the policy protections afforded to New Yorkers impacted by the legal system. The City must ensure that the agency charged with enforcing the laws and holding landlords accountable has the capability to hire enforcement investigators and attorneys. Legislation coupled with strict enforcement measures can make this change effective leading to more people with legal system involvement accessing stable housing options.

The New York City Council and the Mayor's Office can take actions to ensure that this bill is prioritized, passed, and implemented swiftly. The New York City Commission on Human Rights (NYCCHR) was charged with enforcement on Fair Chance Employment policies yet at implementation lacked sufficient resources needed to provide critical enforcement services to New Yorkers encountering discrimination. The Mayor's Office and the New York City Council should work with the NYCCHR to ensure ample funding for swift legal enforcement is a priority.

6. AMEND AND EXPAND NYC 15/15 SUPPORTIVE HOUSING INITIATIVE

In November 2015, Mayor de Blasio announced New York City's commitment to developing 15,000 units of supportive housing over the next 15 years. The City should amend NYC 15/15¹³ to allow people who are experiencing homelessness who have been incarcerated for 90 days or more to be eligible for these units (assuming they meet other NYC 15/15 eligibility requirements). Currently, the initiative only targets people who meet the HUD definition of chronically homeless which specifically excludes people coming home from long periods of incarceration.

In Fiscal Year 2020, just 1,417 single adults experiencing homelessness were placed in supportive housing: the lowest number since 2004. At the same time, the number of single adults who slept in a DHS shelter at any point during Fiscal Year 2020 reached a new high of 43,803. Many individuals experiencing homelessness are living with mental health needs and/or substance

¹² The New York City Council. Fair Chance for Housing Act, Intro 2047. Available at: <https://legistar.council.nyc.gov/LegislationDetail.aspx?GUID=727F0B98-C1D6-4A6D-A12B53356D35C065&ID=4624864>

¹³ NYC Human Resources Administration. New York City 15/15 Supportive Housing Initiative. Available at: <https://www1.nyc.gov/site/hra/help/15-15-initiative.page>

treatment needs. These individuals face nearly insurmountable barriers as they navigate the process of applying for and being accepted into supportive housing, including onerous documentation requirements, clinical evaluations, and proof of homelessness, among other prerequisites. Even if applicants make it through this difficult bureaucracy, there is currently only one available unit for every five approved applicants.¹⁴

Moreover, as the number of adults who need supportive housing continues to increase, the City has implemented steep cuts to the supportive housing pipeline in NYC 15/15. The 2022 Capital Commitment Plan retains cuts to supportive housing production totaling \$246 million between 2020 and 2024.¹⁵ Conversely, the State's executive budget includes \$250 million in capital appropriations for supportive housing and a Capital Plan that projects the continuation of this level of funding in each of the next five years, to fulfill the 2016 commitment to create 20,000 units of supportive housing over 15 years. The continued low availability of supportive housing placements, however, demonstrates that the City and State's separate supportive housing plans are producing far fewer units than a joint agreement would have. Many projects receive funding from multiple sources, and there is a lack of clarity and transparency about total unit counts produced by these separate plans. The City should work with the State to create a unified, joint plan to create more units of supportive housing. The City should aim to lower barriers to accessing supportive housing units and expand the eligibility criteria to include people confined in prison or jails longer than 90 days.

The Mayor's Office, Deputy Mayor of Housing and Economic Development Vicki Been, The Mayor's Office of Criminal Justice, Robert Cornegy, Chair of the Committee on Housing and Buildings, can hold the administration accountable and support this effort via budget allocations and relevant legislation.

7. AMEND FHEPS VOUCHERS LEGISLATION

In Fiscal Year 2020, the percentage of households experiencing homelessness exiting shelters with some type of assistance (City vouchers, or State or Federal assistance) reached a new high of 69 percent. Despite the promising number of people who made subsidized exits from the shelter system, the housing assistance provided to New Yorkers experiencing homelessness has never fully kept pace with the need, and unrealistically low limits on maximum rents constrain their utility. It remains extraordinarily challenging for individuals and families to exit shelters, even when they have a rent subsidy in hand, and this leads to longer shelter stays.

CityFHEPS is a rental assistance supplement to help individuals and families find and keep housing. It is administered by the Department of Social Services (DSS), which includes both the Department of Homeless Services (DHS) and the Human Resources Administration (HRA).

CityFHEPS has replaced the LINC, SEPS, and CITYFEPS rental assistance programs. There is now one program to make it easier for people to get help, easier for landlords to get payments, and easier for DSS to manage cases.

¹⁴ Coalition for the Homeless: "State of the Homeless 2021." April 2021.

Available at: <https://www.coalitionforthehomeless.org/wp-content/uploads/2021/04/StateOfTheHomeless2021.pdf>

¹⁵ New York City Independent Budget Office. (2021). Preliminary Budget for 2022 Shifts More Affordable Housing Funding to Current Year. Retrieved from: Available at: <https://ibo.nyc.ny.us/iboreports/preliminary-budget%20for-2022-shifts-more-affordable-housing-funding-to-current-year-march-2021.pdf>

The New York City Council passed legislation (Intro. 146) that increased the value of the city's homelessness prevention vouchers, named CityFHEPS, to fair market value. Vouchers are often one of the only means by which justice involved individuals can search for housing, but the voucher amounts were not enough to find quality housing. Unlike housing vouchers provided by the federal government, such as Section 8 vouchers, CityFHEPS vouchers issued by the New York City Department of Social Services (DSS) did not automatically adjust when rents rise on the market. On average, they were \$400 below market rate rents.

As a result, New Yorkers experiencing homelessness could rarely use vouchers to locate stable housing and were instead forced to rely on homeless shelters. While reforms were passed to remedy the gap in fair market value voucher funding, two important reforms were left out of the bill. In the last days of negotiations with the Administration, the City Council negotiated away key provisions that protected people from losing their voucher -- without any input from directly impacted New Yorkers.

Under the current FHEPS voucher system, two urgent additional amendments are needed: (1) increase the income threshold and (2) the 90-day DHS residence rule. Currently, the threshold for income for FHEPS vouchers is \$45,000; whereas the threshold for income for HPD vouchers is 80% Area Median Income, which is \$85,000. Once enrolled, in CityFHEPS, participants can earn no more than 250% of the federal poverty level, roughly the city's \$15 minimum wage for a full-time worker. And they must recertify their income every year. This so-called income cliff forces voucher users who get offered a better-paying job or a raise to leave the program entirely, even if their rent is still unaffordable. To initially get into the program, someone can make no more than twice the poverty level, meaning a full-time minimum wage worker cannot qualify at all.¹⁶

Increasing the threshold for FHEPS vouchers to match the threshold for vouchers issued through HPD would help prevent working New Yorkers from becoming homeless after they have a greater income than \$45,000.

In addition, under the current FHEPS voucher system, individuals are required (by rule not policy) to reside in a DHS-based shelter for a period of at least 90 days. As a result, justice-impacted New Yorkers who reside in transitional housing or any other non-DHS-funded programs are excluded. Exodus Transitional Community has been operating reentry hotels since April of 2020 and our residents are still unable to secure FHEPS vouchers because our transitional housing programs are funded directly by the Mayors Office of Criminal Justice and not funded directly through DHS.

The Mayor's Office, Deputy Mayor of Housing and Economic Development Vicki Been, HPD Commissioner Louise Carroll, Housing Development Corporation (HDC) Commissioner Eric Enderlin, and The Mayor's Office of Criminal Justice should take executive action to restore necessary funding for NYC 15/15 as well as address the concerns raised to expand and retain eligibility for vulnerable New Yorkers. Chair of the Committee on Housing and Buildings Robert Cornegy, can hold the administration accountable to the promises previously made related to NYC 15/15 and push for the necessary changes and expansion.

¹⁶ The City. "Boost to Skimpy Low-Income Housing Vouchers Leave Formerly Homeless at Risk of Returning to Shelters." August 23, 2021. Available at: https://www.thecity.nyc/2021/8/23/22638835/housing-voucher-boost-formerly-homeless-shelters?mc_cid=2ef448074b&mc_eid=0447b7b2e3

8. INSTITUTIONALIZE THE NYCHA FAMILY REUNIFICATION PROGRAM

New York City Housing Authority (NYCHA) has taken steps to break the cycle of incarceration to homelessness and recidivism. The NYCHA Family Reunification Program launched in 2013 as a pilot for individuals who are transitioning from jail and prison to connect them with support services related to education and employment. Since then, the program has successfully reunited over 100 families and serves as a source of critical information for justice-involved families as they navigate the transition. A 2017 study by the Vera Institute showed that 68% of program participants were reunited with at least one parent and 15% were reunited with their children. Nearly half of those surveyed said that they would be forced onto the streets, shelters, or other sub-standard housing options were it not for the program.

Currently this program is supported by limited staff across all NYCHA housing developments. It is time for this program to become an expanded, permanent fixture of the reentry system in NYCHA and support the reunification of families. The program has garnered unprecedented success and if it is brought to scale, it could reduce our growing population experiencing homelessness.

The Chair and Chief Executive Officer of NYCHA, Gregory Russ, the Deputy Mayor of Housing and Economic Development Vicki Been, and The Mayor's Office of Criminal Justice should ensure that the NYCHA Family Reunification Program is scaled to be a permanent unit, and the City Council must allocate funding to expand service provision. The Mayor's Office of Criminal Justice should ensure funds for the reentry services providers working in partnership with NYCHA pursuant to this program are dispersed in a timely and effective manner, as well as brought to scale.

9. END NYCHA PERMANENT EXCLUSION POLICIES

Despite making great strides via the Reentry Family Reunification program, NYCHA (like many private landlords), discriminates against New Yorkers who have been involved with the legal system. The administration of NYCHA, on behalf of the City of New York, has the power to deem NYCHA residents "dangerous" and "undesirable." When a public housing resident is arrested, not convicted, in New York City, NYCHA can begin the processes to evict the entire household. In order to stay in their home, a family must sign paperwork that says they will "permanently exclude" the accused family member in order to stay in their homes. This means that their loved one cannot live with them and cannot visit them at home, leading to the permanent separation of family members.

Though NYCHA made improvements to its criminal justice policies, as April 2021 NYCHA Permanent Exclusions still go far beyond federal requirements by broadly removing individuals with any kind of criminal record and even residents who have only been arrested and not convicted of any crime. Being evicted from the home and separated from family elevates the conditions for recidivism while increasing homelessness.

To ensure that justice-involved New Yorkers can stay in their homes, with their families, NYCHA should revise its guidance and stop prohibiting housing to individuals with any criminal record and should immediately stop using arrest records as grounds for any negative action against residents.

Ending NYCHA Permanent Exclusion will take leadership from Gregory Russ, the Chair and Chief Executive Officer of the NYC Public Housing Authority.

10. REDUCE BARRIERS FOR PEOPLE TO ENTER THE SHELTER SYSTEM

New York City and New York State should work together to implement a less onerous shelter intake process for families experiencing homelessness in which: 1) applicants are assisted in obtaining necessary documents, 2) housing history documentation is limited to the prior six months 3) time spent in non-DHS funded emergency or transitional housing counts towards necessary time requirements for homelessness and qualifies individuals for government-funded housing vouchers, and 4) DHS-identified housing alternatives are investigated to confirm their availability, safety, and lack of risk to the potential host household's tenancy. For adult families, the City must accept verification of time spent experiencing homelessness from the widest possible array of sources, including transitional housing programs, outreach teams, soup kitchen volunteers, social workers, health care providers, and neighbors.

The Commissioner of the NYC Human Resources Administration and Department of Homeless Services Steven Banks, Deputy Commissioner for Community Homelessness Prevention and Legal Services at NYC Human Resources Administration Sara Zuiderveen, and the Deputy Mayor of Housing and Economic Development Vicki Been could work together to revise the entry requirements for the NYC shelter system. Chair of the Committee on Housing and Buildings Robert Cornegy can host hearings to gather information on this issue from directly impacted New Yorkers.

11. ADVOCATE TO MODIFY HOUSING RESTRICTIONS FOR PEOPLE WITH SEX OFFENSE CONVICTIONS

Over the last 30 years, New York State has enacted thousands of laws imposing ever-increasing restrictions on people convicted of sex-related offenses. Hastily enacted, ill-considered legislation has not served its intended purpose of improving public safety and preventing further crime. Instead, it has led to a crisis of homelessness, and in the process may have reduced public safety.

New York adopted the Sexual Assault Reform Act (SARA) in 2001 and amended it in 2006. The law provides that registrants on probation or under parole supervision¹⁷ may not “enter within 1000 feet” of “the real property boundary line” of “school grounds” as defined by a provision of the Penal Law. Recognizing that the literal language of the statute is unenforceable, officials apply the SARA Law as a residency restriction, using a proprietary computer algorithm to determine whether a particular address is or is not far enough away from “school grounds.”

Even if a person has family willing to offer housing, individuals subject to SARA restrictions cannot live in homes that are located within 1,000 feet of a school. The result is that many individuals are rendered homeless. In New York City, where most residential property (especially affordable rental property) is within 1000 feet of a school, the law effectively bars this subset of

¹⁷ Probation for sex offenses lasts from six to ten years depending on the degree of offense. Periods of parole supervision last from five years to as long as 25 years.

individuals from living in nearly all of Manhattan and the Bronx, as well as most of Brooklyn and Queens.

Most of New York City's shelters are located within 1,000 feet of schools, so individuals subject to SARA restrictions cannot reside there. People with sex offense convictions subjected to housing limitations are relegated to shelters on the far reaches of the City where health care, employment, and other essential services are slim to nonexistent.

New York State should eliminate, or at least reduce, the 1,000-foot residency restriction included in the Sexual Assault Reform Act. Reducing the 1000-foot "buffer zone" to 500 feet in cities with a population of more than a million people (i.e., New York City), would recognize the realities of housing in New York City and would open up significantly more housing opportunities with no adverse effect on public safety. Specifically, it would allow individuals awaiting release from Department of Corrections and Community Supervision facilities to report to the DHS intake office at 30th Street and thereby end the basis for continued confinement of persons who are legally entitled to their release. Alternatively, residency restrictions should be imposed by New York courts on a case by-case basis. Finally, City and State housing plans should include incentives for housing developers and providers who agree to house and serve people with sex-related convictions.

To achieve this goal the city and state would have to work together to modify the SARA restrictions. To learn more on this topic, read the recommendations compiled by reentry providers and advocates throughout New York City: "Nowhere to Go: New York's Housing Policy for Individuals on the Sex Offender Registry and Recommendations for Change."¹⁸

12. EXPAND ELIGIBILITY FOR STATE AND FEDERALLY FUNDED SUPPORTIVE HOUSING

Individuals who are confined for 90 days or more do not meet the federal government's definition for chronic homelessness¹⁹, excluding them from federally funded supportive housing. We urge the City to advocate for new legislation from Congress and a new rule from the federal Department of Housing and Urban Development (HUD) to revise the existing criteria to expand housing opportunities for those who need support services.

Moreover, New York State has chosen to adopt the HUD definition of chronic homelessness further excluding people confined more than 90 days from immediate housing opportunities. We urge the City to advocate on the State level to adopt a revised definition of chronic homelessness where feasible to increase opportunities for our neighbors being released from jails and prisons.

The Mayor's Office of Intergovernmental Affairs (MOIGA), led by Lydon Sleeper, can make this an advocacy priority for the City in Washington, D.C. and at the State.

13. UTILIZE HUMANIZING LANGUAGE

¹⁸ Nowhere to Go: New York's Housing Policy for Individuals on the Sex Offender Registry and Recommendations for Change." Available at: <https://fortunesociety.org/wp-content/uploads/2019/05/NowhereToGo.pdf>

¹⁹ HUD Final Rule re: Chronic Homelessness. Available at: <https://www.govinfo.gov/content/pkg/FR-2015-12-04/pdf/2015-30473.pdf>

People with legal system involvement are referred to in an array of dehumanizing labels, such as “inmates,” “criminals,” “prisoners,” “convicts,” “delinquents,” “felons,” and “offenders.” Even after people complete their sentence of incarceration and return to the community, oftentimes these labels follow. Terms like “ex-inmates,” “ex-prisoners,” “ex-convicts,” “ex-felons,” and “ex-offenders” are used to categorize and stigmatize people affected by the legal system. Similarly, people experiencing homelessness are often referred to as simply “homeless.” A period of non-shelter in a person’s life does not define their entire existence.

In a historic moment, a piece of legislation (S3332 & A2395)²⁰ passed both houses of the New York State legislature and was signed by the Governor on August 2, 2021, which requires all legislative language referring to incarcerated people to be humanizing. The bill replaces the dehumanizing language of “inmate or inmates” with “incarcerated individual or individuals” in multiple areas of New York State and New York City law. The Mayor should evaluate all local legislation for opportunities to take the same action.

Dehumanizing labels stereotype and marginalize people rather than support them while they rebuild their lives. The words we use to reference people should reflect their full identities and acknowledge their capacity to change and grow. For more information on engaging humanizing language, review the Humanizing Language Chart created by Exodus Transitional Community.²¹

Everyone can and should utilize humanizing language.

CONCLUSION

Everyone should have a safe, stable place to live. Housing is a fundamental human need that lays the foundation for success in every aspect of our lives. The solace of home often provides a comforting shield against outside risks. Indoors, we have the freedom to plan for our future and dream of new possibilities. Unfortunately, many New Yorkers, particularly individuals with legal system involvement, don’t have this privilege. Daily, people impacted by the legal system are vulnerable to the threat of homelessness. Without the safety of home, the path to successful reentry is extremely difficult. The current systems relegate people with legal system involvement to the streets, to overcrowded shelters, and to unregulated substandard housing—options that don’t provide the support necessary for them to achieve their potential.

New York is leading the country when it comes to NYC and state government committing to long term supportive housing development and coordinating funding cycles to support its operations and services. However, what is ahead is even more complicated. Given all the local efforts and momentum of the last few years, focusing on housing as a solution to health, including the historic racial justice protests that began this summer and continue, there is an opportunity to push for policy changes that will allow for greater access to supportive housing for justice impacted

²⁰ NY State Senate. Senate Bill S3332. Available at: <https://www.nysenate.gov/legislation/bills/2021/s3332>

²¹ Exodus Transitional Community. Humanizing Language Chart. Available at: <https://www.etcny.org/resources-1/2021/1/19/humanizing-language-chart>

individuals, with a focus on communities of Black, Indigenous, and People of as well as creating a better, coordinated system to access housing.²²

We believe that everyone deserves a fair chance to achieve their potential. We believe in redemption, the idea that people should be given the chance for a new start after they falter, and merit patience and compassion as they do so. We believe that individuals can change, given the opportunity to start over in society after making amends. We believe in community and that we are better off when everyone can contribute and fully participate. Housing builds opportunity and strengthens our communities so life improves for all New Yorkers.

²² Corporation for Supportive Housing and Trinity Church Wall Street. “2020 New York Housing and Justice System Change Platform.” January 2020. Available at: https://d155kunxf1aozz.cloudfront.net/wp-content/uploads/2021/03/2020-New-York-Housing-and-Criminal-System-Platform_3.16.pdf