How do nonprofit entities disrupt the feedback loop between incarceration and homelessness?

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"Each year, more than 600,000 individuals are released from prisons [in the United States], joining the over 4.7 million Americans who are supervised through probation or parole services" (Schneider, 2018). This paper examines the implications of this staggering population outflow from the criminal justice system and inflow into a housing system that does not adequately receive formerly incarcerated people. A reciprocal relationship will be explored between how incarceration leads to homelessness and how homelessness leads to incarceration, creating a reinforcing feedback loop. How nonprofit entities contribute to disrupting this feedback loop will be investigated in conjunction with the definitions, histories, realities, challenges, and opportunities that exist in the carceral and housing systems.

For the purpose of this paper, the first category definition of homelessness created by the U.S. Department of Housing and Urban Development (HUD) will be used: "individuals and families lacking a fixed, regular and adequate nighttime residence, including those residing in emergency shelters, transitional housing, an abandoned building, a car, or on the street" (Clark, 2016). HUD's efforts to provide government-sanctioned rental assistance, thereby reducing homelessness, are to be delineated in three primary forms:

- Public Housing - a housing subsystem that accounts for "970,000 households living in public housing units, managed by some 3,300 [local housing agencies]." HUD administers federal aid to these agencies to manage the housing for low-income residents at rents they can afford (U.S. Department of Housing and Urban Development, n.d.).

- The Housing Choice Voucher Program (Section 8) - a subsidy paid directly to landlords on behalf of low-income, elderly, and disabled tenants. Families and individuals are not limited to units in subsidized housing projects and are able to choose housing in the private market (HUD, n.d.).

- Privately Owned Subsidized Housing – government subsidies granted to homeowners or organizations so that they can offer reduced-rent to low-income tenants. Subsidized housing falls under the umbrella of "affordable housing." Since 1986, HUD has encouraged the construction of affordable housing with the Low-Income Housing Tax Credit (LIHTC) program (Clark, 2016).

Supportive housing is to be defined as "the combination of permanent affordable housing with supportive services, [which] typically include coordinated case management, mental health and health services, substance abuse treatment, and vocational and employment services" (Fontaine et al., 2012). In relation to the criminal justice system, both misdemeanors and felonies are to be considered as elements that appear on a person's criminal record and impact a person's ability to procure housing. As the mere existence of a misdemeanor and/or felony on an individual's criminal record can be enough to exclude them from securing housing, the amount of time served in prison is not a factor that will be analyzed in detail in this paper, nor will an exact amount of time served constitute the definition of "formerly incarcerated." Lastly, it is important to make the distinction that homelessness and incarceration are not identities but the outcomes of ineffective systems.

The 1970s were a pivotal point in the history of the criminal justice system in the United States as a system of mass incarceration was launched, contributing to a present-day reality where "over 100 million adults—or nearly one-third of the population of the United States— have a criminal record" (Schneider, 2018). The substantial increase in prison populations over subsequent decades was not proportionate to an increase in criminal behavior but rather an all-consuming mental model that framed drugs (and their users) as immoral, dangerous, and needing to be fiercely dealt with. Congress's legislative efforts during the "war on drugs" - originated by President Nixon and then carried forth by President Reagan - "both expanded the prison

population [via new sentencing guidelines] and limited opportunities for those who would ultimately be released from prison" (Schneider, 2018). After the Anti-Drug Abuse Act of 1988 introduced the "one-strike policy," many public housing authorities (nonprofit entities in their own right) adopted zero-tolerance procedures that banned individuals with criminal records, especially those with any drug-related charges. On April 4, 2016, HUD issued a formal guidance, stating that "while having a criminal record is not a protected characteristic under the Fair Housing Act, criminal history-based restrictions on housing opportunities violate the Act if, without justification, their burden falls more often on renters or other housing market participants of one race or national origin over another" (HUD, 2016). Unfortunately, the burden initially falls on the plaintiff to factually prove that a housing provider's decision perpetuates racial inequality and has a disparate impact on a group because of their race or national origin. This is no short task, and it is only once that it is achieved that a housing provider must prove that its decisions were non-discriminatory and made on the grounds of protecting resident safety and/or property (HUD, 2016). Studies must be consulted to determine whether the 2016 guidance has had any impact on reducing discriminatory practices or merely provided housing providers with the language needed to continue to engage in exclusionary practices on the basis of maintaining a "safe" status quo.

What makes a good tenant? Two characteristics: "First, tenants must pay rent on time (most individuals receiving housing assistance pay some portion of their rent), and second, tenants must abide by the terms of the lease, which usually includes provisions requiring tenants to avoid disturbing the quiet enjoyment of other tenants and to avoid harming the property (beyond normal wear and tear)" (Schneider, 2018). Does a person's criminal history determine their ability to satisfy such obligations? CommonBond Communities, a 501(c)(3) nonprofit organization that offers supportive housing with an approach rooted in economic and racial

justice, participated in a 2019 study to answer this question. The study surveyed more than 10,500 households, 30% of which had at least 1 adult with a prior criminal conviction, and found that a history of criminal background has little effect in terms of housing success (CommonBond, 2019). A key finding of the study was that 11 of 15 criminal offense categories have no significant effect on housing outcomes and the 4 categories that did (fraud, assault, property offenses, and major drug-related offenses) only increase the risk of negative housing outcomes by 3 to 9 percentage points at most. Additionally, "the likelihood of a negative housing outcome was significantly reduced in households with: 2+ adults, 1+ children, higher income at move-in, higher subsidy, older adults" and "criminal offenses that occurred more than 5 years prior to move-in have no significant effect on housing outcomes" (CommonBond, 2019). One of the largest challenges that interconnect the carceral system and the housing system is the persistence of a mental model that denotes that formerly incarcerated people are a housing risk. The work of nonprofits like CommonBond Communities helps create opportunities to dispel this myth and encourage other housing providers to adjust their mental model about who a "good tenant" can be. After all, regardless of a criminal background, both a prospective tenant and a housing provider want the same thing – stability and safety in their home.

Upon release from prison, a person is likely to not only encounter social stigma and discrimination, but also a sheer lack of affordable housing. The challenge is that affordable housing in the United States is a slowly rising stock that has not increased proportionately over time to account for the inflow of formerly incarcerated people into society. A Hunger and Homelessness Survey conducted in 2005 found that "applicants wait an average of 20 months for public housing, 30 months for Section 8 certificates, and 35 months for Section 8 Housing Choice Vouchers (HCVs)." Furthermore, "fifty-nine percent of the cities have stopped accepting applications for at least one assisted housing program because of the extensive waiting lists [and]

eighty-one percent of cities reported that homeless shelters have to turn families away because

they lack sufficient resources" ('Survey Finds Lack of Affordable Housing as the Leading Cause

of Homelessness in the US,' 2005). The dilemma of a formerly incarcerated person finding

housing in an unconscionable one. Studies show that former "prisoners often rely on their

families and relatives for accommodation in lieu of their own permanent stable housing,

particularly in the immediate period following release." However, due to a range of legal,

economic, and personal factors, staying with families is "only a temporary housing solution" and

"when ex-prisoners leave the family home it often precipitates homelessness" (Johnson, 2019).

There exists an empirical phenomenon known as the "revolving door of homelessness"

wherein people cycle in between living in prisons and living in unstable housing conditions. This

egregious trend is noted in reports that indicate that "people who have been to prison just once

experience homelessness at a rate nearly 7 times higher than the general public [and] people who

have been incarcerated more than once have rates 13 times higher than the general public"

(Couloutte, 2018). Subsequent attempts to survive and "live a private life in public spaces"

increase the likelihood of interactions with the criminal justice system and ultimately, increase

the risk of reincarceration (Schneider, 2018). Upon release, formerly incarcerated people are

branded with criminal records, equipped with insufficient support, and discriminated against

from securing desirable housing, which undermines their ability to reintegrate into society. The

result is a dual reality in the United States where "approximately 565,000 people remain

homeless" (Clark, 2016) and over 2.2 million people remain incarcerated (Schneider, 2018).

Opportunities to disrupt the feedback loop between incarceration and homelessness

necessitate both swift action and patience from nonprofit entities through pursuing supportive

housing-first models. An example of a nonprofit entity doing such work is the London-based

housing agency, Vision Housing. Vision Housing, which is staffed by ex-offenders, "has housed

and supported over 650 clients. It reports that 'typical' clients are persistent, prolific adult

offenders (both male and female)" with many people who are referred to the service being

"either prisoners leaving custody or people who are serving or have recently completed

community sentences" (Ellison et al., 2013). Through its extensive network of landlords across

London who will accept its clients, Vision Housing is often able to offer housing to individuals

on the first day of their release. Moreover, "it offers direct, same-day payments to landlords and

carries out monthly property inspections. Vision Housing then works with a range of other third

sector providers to provide support services tailored to the needs of individual clients" (Ellison et

al., 2013). The swift, simple solution of housing first immediately disrupts the feedback loop

while the ongoing supportive services reduce the risk of recidivism for its clients.

Another opportunity to disrupt the feedback loop between incarceration and

homelessness is to draw inspiration from initiatives in Montreal that seek to reduce criminal

justice involvement among homeless adults, especially those living with mental illness, "usually

with the short-term aim of diverting individuals towards health and social care rather than jail"

(Roy et al., 2020). The "pre-arrest diversion initiatives include Crisis Intervention Training

(CIT), which provides training to police officers on mental illness and de-escalation strategies as

well as various forms of mobile co-response teams" (Roy et al., 2020). Meanwhile, "post-arrest

diversion strategies consist of an array of courts-based services for individuals presenting with

mental illnesses, addictions, or homelessness" (Roy et al., 2020). Such an approach is designed

to stymie the inflow of individuals back into incarceration through coordinated care instead of

criminalization.

Research also suggests that the first month after a person's release from prison may not

be the only time when they are at risk of experiencing homelessness and that careful attention

should be paid to the six-month and 12-month points. Figure 1 in the Appendix illustrates how

"the probability of being homeless increases to 12 percentage points at the six-month mark and 14 percentage points 12-months after the end of the incarceration spell" (Johnson, 2019). The spike in risk at the six-month and 12-month period is perhaps indicative of points where a formerly incarcerated individual's initial familial support system crumbles (Johnson, 2019). Thus, ongoing case management plays just as pivotal a role as the prelease planning that should ideally be occurring to coordinate housing and supportive services upon reentry. Such an approach aligns with the Critical Time Intervention (CTI) model inspired by treatment programs in New York City's shelter system in the 1980s that aimed for a "smooth transition between institutional control and community living" (Lance & Darlene, 2017). The CTI model ensures that clients are immediately housed, directed to social service agencies, and followed-up with to ensure continued care.

Instead of the existence of a feedback loop between incarceration and homelessness, what would a feedback loop between care for the well-being of another human and trust in their capacity for good look like?

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Appendix

Figure 1:
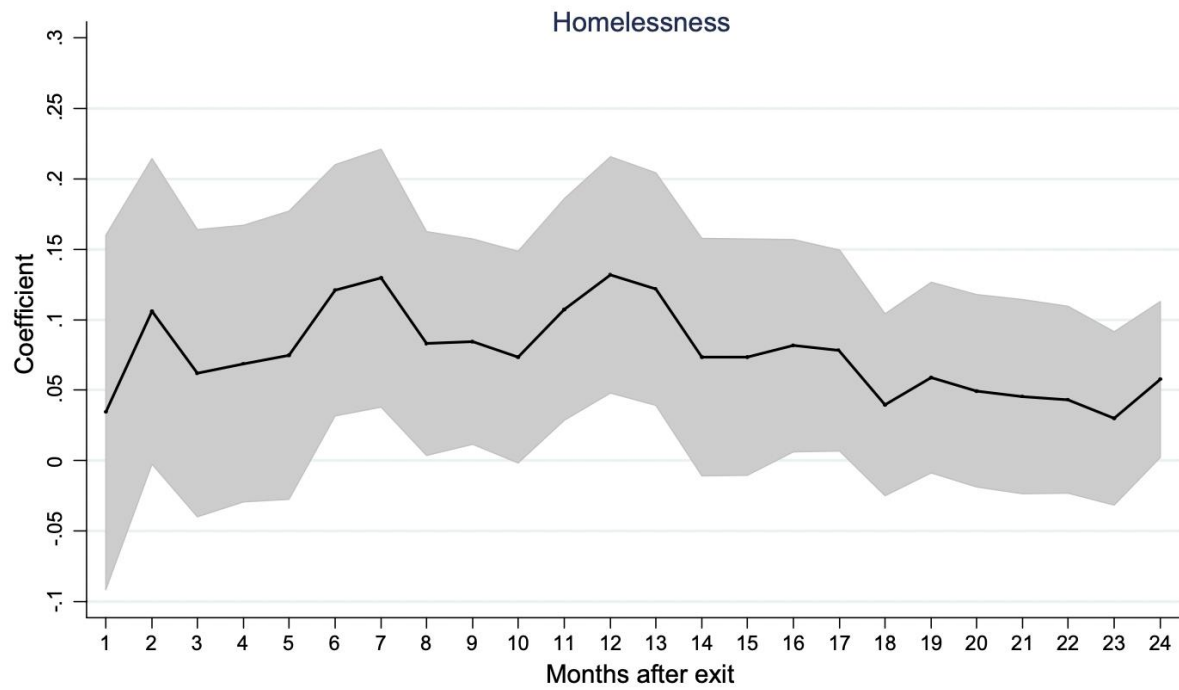
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