

Where Will I Sleep Tomorrow? Housing, Homelessness, and the Returning Prisoner

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Abstract

This year, over 630,000 prisoners will be released from state and federal prisons across the country—more than four times as many as were released in 1980. In this article, we examine the scope of the prisoner reentry issue—what is known about the intersection of housing, homelessness, and reentry and about the barriers returning prisoners face in securing safe and affordable housing.

Although the housing challenges are formidable, progress is being made on numerous fronts. We seek to frame the dynamics of the reentry housing discussion by highlighting the promising strategies that are emerging. These strategies, taken to scale, could help create a very different national policy on prisoner reentry. Ultimately, effective reentry strategies have the potential not only to reduce re-arrest and increase public safety, but also to reduce homelessness.

Keywords: Crime; Homelessness; Urban policy

Introduction

Every prisoner facing discharge from a correctional institution must answer the question: “Where will I sleep tomorrow?” For many returning prisoners, the answer to that question is the family home. But reunions with families are not always possible—or are only temporary—sometimes due to the dictates of the criminal justice system and other times because of housing policies or family dynamics. For those who cannot return to the home of family or friends, the question of housing becomes considerably more complex. For some, the final answer to the question is a homeless shelter or the street. Difficulty in securing appropriate and affordable housing complicates the reentry

process, further reducing already limited chances for successful community reintegration.

Reentry is the process of leaving prison and returning to society. With the exception of those who die in prison, all prisoners will at some point return to the community. This year, over 630,000 prisoners will be released from state and federal prisons across the country—more than four times as many as were released in 1980. In this article, we examine the scope of one critical dimension of the prisoner reentry issue¹: namely, the intersection of housing, homelessness, and reentry and the barriers returning prisoners face in securing safe and affordable housing. We also seek to frame the current dynamics of the reentry housing discussion by highlighting the promising practices that are emerging across the country.

With regard to reentry in general, some jurisdictions have begun to tackle the issue through nontraditional methods—by broadening the reentry perspective to include partners outside of the criminal justice arena. These jurisdictions have articulated a common ground of policy interests and redefined the term “stakeholder” to include housing and homeless assistance agencies, community and faith-based agencies, local residents, and private businesses. These strategies, taken to scale, could help create a very different national policy on prisoner reentry. The challenges and obstacles are formidable, but progress in surmounting those obstacles is being made on numerous fronts. Recognizing that housing is a key ingredient for successful prisoner reentry is the first step on the path to developing broad support for coordinated reentry housing mechanisms.

Prisoner reentry—The scope of the issue

Over the past generation, the United States has placed greater reliance on incarceration as a response to crime. As a result, far more people have spent time behind bars, some in prison and some in jail, than ever before. The record level of movement in and out of the country’s prisons and jails has far-reaching consequences for the individual prisoners themselves, their families, and the communities to which they return (Hagan and Dinovitzer 2001; Petersilia 2003; Travis, Solomon, and Waul 2001).

During the past 20 years, the United States has experienced a massive increase in incarceration. The total prison population increased from 330,000

¹ This article focuses on those leaving prison, as opposed to jail. People in prison (under the jurisdiction of federal or state authorities) have been convicted of crimes for which the sentence is, at minimum, one year. In almost all states, inmates sentenced to less than a year are held in city and county jails.

in 1980 to nearly 1.4 million in 1999 (Lynch and Sabol 2001). At the end of 2002, 1 in every 1,656 women and 1 in every 110 men were incarcerated in a state or federal prison (Harrison and Beck 2002). The demographic characteristics of the prisoners who are being released mirror the characteristics of those who are incarcerated. Table 1 provides selected demographic characteristics for prisoners released on parole.² At the end of 2004, most prisoners who were released on parole were male (88 percent); 40 percent were white, 41 percent were black, and 18 percent were Hispanic (Glaze and Palla 2005). The largest percentage of parolees had been convicted of a drug offense (38 percent). As shown in figure 1, drug offenders have comprised an increasing percentage of prison releases since 1985 (Hughes, Wilson, and Beck 2001).

At the end of 2004, five states (California, Illinois, New York, Pennsylvania, and Texas) accounted for just under half of all parolees in the country (Glaze and Palla 2005). Table 2 displays the number of persons on parole in 2004 for these five states. Further, within states, a large proportion of released

Table 1. A Profile of Parolees, 2004

	Percentage
Gender	
Male	88
Female	12
Race/Hispanic origin	
White*	40
Black*	41
Hispanic	18
American Indian/Alaska Native*	1
Asian/Native Hawaiian/Other Pacific Islander*	1
Type of Offense	
Violent	24
Property	26
Drug	38
Other	12

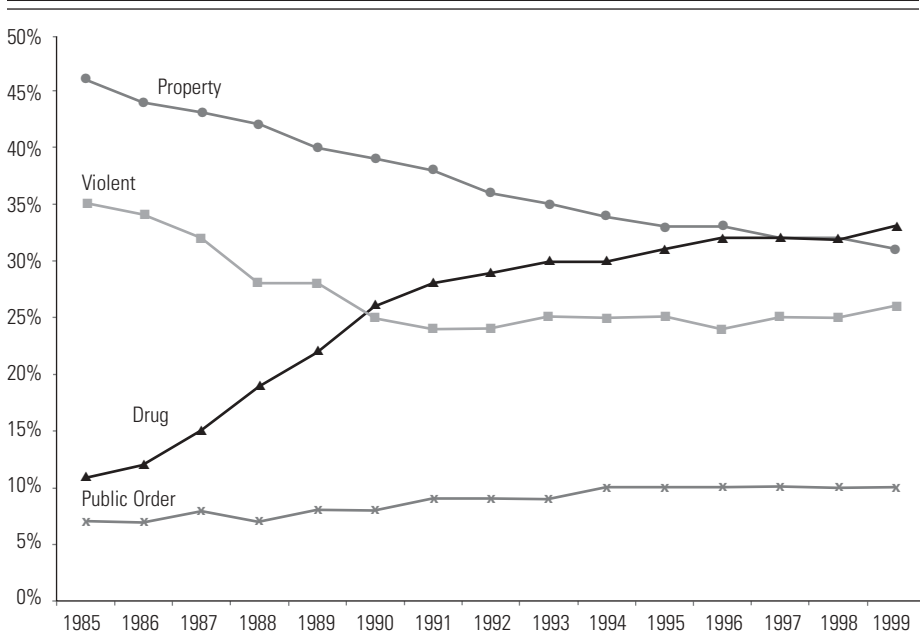
Source: Glaze and Palla (2005).

Note: Total may not equal 100 percent because of rounding.

*Excludes persons of Hispanic origin.

² Parole is a period of conditional supervised release following a prison term. Prisoners may be released to parole either by a parole board or by mandatory conditional release. However, roughly 20 percent of returning prisoners complete their entire sentence in prison and, as a result, are not under parole supervision after they are released.

Figure 1. Percentage of Releases from State Prison, by Most Serious Offense, 1985 to 1999



Source: Hughes, Wilson, and Beck 2001.

Table 2. States with the Largest Numbers Supervised on Parole, 2004

State	Number Supervised	Percentage of Total
California	110,261	14.4
Texas	102,072	13.3
Pennsylvania	77,175	10.1
New York	54,524	7.1
Illinois	34,277	4.5
Total	345,309	49.4

Source: Compiled from Glaze and Palla (2005).

prisoners return to a small number of disadvantaged communities. The Urban Institute’s *Returning Home* study, a large, multiple-wave study designed to provide detailed information on the characteristics and experiences of returning prisoners in four states (Maryland, Illinois, Ohio, and Texas) has examined the concentrations of returning prisoners within cities and neighborhoods.

1. In Maryland, 59 percent of those released from state prison returned to the city of Baltimore, and 30 percent of those returned to just 6 of its 55 communities (La Vigne and Kachnowski 2003).
2. In Illinois, 51 percent of state prisoners returned to Chicago, and of those, 34 percent returned to just 6 of its 77 communities (La Vigne et al. 2003).
3. In Ohio, 22 percent returned to Cuyahoga County. Of those, 79 percent returned to Cleveland, and 28 percent of those returned to 5 of Cleveland's 36 communities (LaVigne and Thomson 2003).
4. In Texas, 23 percent of state prisoners returned to Houston, and 25 percent of those are concentrated in 5 of the city's 185 ZIP codes (Watson et al. 2004).

These neighborhoods generally have above-average rates of unemployment, female-headed households, and families living in poverty (LaVigne et al. 2003; LaVigne and Thomson 2003; LaVigne, Visher, and Castro 2004). Conversations with community residents, reentry policy makers and practitioners, and returning prisoners indicate that many communities are unprepared and lack needed services for this population (Visher and Farrell 2005).

Compared with those released in the 1990s, prisoners released today have generally been in prison for longer periods of time, and fewer of them have participated in education and drug treatment programs (Hagan and Coleman 2001; Lynch and Sabol 2001). Many will return to prison within three years of their release. In the largest recidivism study ever conducted, the Bureau of Justice Statistics (BJS) examined 38,000 prisoners (projected to represent 270,000) released from prisons in 15 states in 1994 and found that 67.5 percent were arrested for a new crime (either a felony or a serious misdemeanor) within three years of their release (Langan and Levin 2002). The study also found that most recidivism (two-thirds of all re-arrests) occurs within the first year after release.

A number of issues can complicate the reentry process and create obstacles to securing housing. A large number of returning prisoners have HIV or AIDS or other illnesses such as hepatitis B, hepatitis C, and tuberculosis (National GAINS Center 1999; Roberts, Kennedy, and Hammett 2002). Although national numbers on the prevalence of HIV among returning prisoners are not tabulated, the National Commission on Correctional Health Care (NCCHC) estimated that 98,000 to 145,000 inmates with HIV were released from prisons and jails in 1996, representing 13.1 to 19.3 percent of all persons with HIV in the United States (2002). Ex-prisoners also have high rates of substance abuse and mental illness (Beck and Maruschak 2001). Estimates of the

substance abuse problems of returning prisoners, which derive from numbers gathered for the incarcerated population, range from 55 to 84 percent (Hughes, Wilson, and Beck 2001; Mumola 1999).

Findings from the *Returning Home* study show the extent of drug use within a few months of release from prison: 16 percent, 23 percent, and 33 percent of those released in Illinois, Ohio, and Texas, respectively, reported illegal drug use soon after release (Visher 2006). With regard to mental illness, NCCHC estimates that 8 to 16 percent of the prison population has at least one serious mental disorder (2002).³ In addition, women face unique barriers in securing safe and affordable housing when they return home (Ritchie 2000). Surveys estimate that about 65 percent of women in state prison have children under the age of 18 (Mumola 2000). These women often must find a home not only for themselves, but also for their children.

Reentry and homelessness

According to a number of different studies that examine the demographics of prisoners, the population coming in and out of America's prisons has high rates of homelessness. A BJS study (Hughes, Wilson, and Beck 2001) found that 12 percent of those state prisoners who expected to be released to the community at the end of 1999 reported being homeless at the time of their arrest. Another BJS study found that in 1998, 9 percent of state prison inmates reported living on the street or in a shelter in the 12 months prior to arrest (Ditton 1999). A California study reported that in 1997, 10 percent of that state's parolees were homeless. In urban areas such as San Francisco and Los Angeles, an estimated 30 to 50 percent of all parolees are homeless (California Department of Corrections 1997). A 1999 Urban Institute three-site study of 400 returning prisoners with histories of drug abuse found that 32 percent had been homeless for a month or more at least once in their lifetimes, and 18 percent reported that they were homeless for at least a month in the year after they were released from prison (Rossman et al. 1999).

New attempts at matching parole client names and identification numbers to homeless shelter rolls also indicate that large numbers of parolees rely on shelter systems—though the numbers may underestimate the true extent of the overlap because of missing information. For example, New York reported that at any given time, about 800 parolees, representing roughly 3 percent of the city parole caseload, are in the city shelter system (Riley 2003). Findings from

³ Like other public health statistics on the returning prisoner population, the number of inmates with mental illnesses *pending release* is not known, although states do report prevalence rates on mental illness in correctional populations.

a recent study examining the intersection of corrections services and shelter use suggest that prisoners who were homeless at some time in their life were more likely to be homeless after a state prison incarceration than those who had never experienced homelessness (Metraux and Culhane 2004). Specifically, released prisoners with a history of shelter use were almost five times as likely to have had a shelter stay after they left prison. The same study also found that 54 percent of those who were released from New York state prisons and entered homeless shelters later did so within the first 30 days. The Illinois *Returning Home* study found that 5 percent of respondents slept at a shelter their first night out of prison (La Vigne, Visher, and Castro 2004).

In short, about 10 percent of the population coming into prisons has recently been homeless, and at least the same percentage of those who leave prisons end up homeless, at least for some period of time. Those with a history of mental illness are even more likely to be homeless. The BJS study examining homelessness before incarceration found that the level of homelessness for inmates who were mentally ill was 20 percent (Ditton 1999). The Metraux and Culhane study of New York parolees (2004) found that individuals with links to the mental health system had considerably higher proportions of shelter stays after release than those without such links.

Research also indicates that parole violation and re-arrest may be more likely among those prisoners who have no place to go when they are released or who have difficulty finding a permanent residence. An exploratory study by the Vera Institute of Justice, which followed 49 individuals released from New York State prisons and city jails, found that those individuals living in temporary shelters upon release had more difficulty resisting drugs and finding jobs. Furthermore, 38 percent of the people who reported in the study's prerelease interviews that they were going to live in a shelter absconded from parole supervision, compared with only 5 percent of those who reported that they were not going to a shelter (Nelson, Deess, and Allen 1999). A study examining Georgia parolees found that the likelihood of arrest increased 25 percent each time parolees changed addresses (Meredith et al. 2003). The Illinois *Returning Home* study found that returning prisoners view housing as a key component—perhaps even the most important component—of successful community reintegration (La Vigne, Visher, and Castro 2004).⁴

Studies of homeless individuals and families also suggest a relationship between homelessness and time spent in prison or jail. A synthesis of 60 research studies on homelessness conducted in the 1980s found that on aver-

⁴ The study found that housing and family support were the most frequently cited reasons related to staying out of prison.

age, 18 percent of the homeless population had served time in prison for a felony conviction, and about a third had been jailed for misdemeanor charges (Shlay and Rossi 1992). According to the 1996 National Survey of Homeless Assistance Providers and Clients, 49 percent of homeless adults reportedly spent five or more days in a city or county jail, 4 percent had spent time in a military lock-up, and 18 percent had been incarcerated in a state or federal prison (Burt et al. 1999).

Housing options for returning prisoners

For a majority of returning prisoners, the first home after release is with a family member, a close friend, or a significant other. The Vera Institute of Justice study found that 40 of the 49 offenders followed after their release from prison (82 percent) were living with a relative or with their spouse or partner in the month right after they were released (Nelson, Deess, and Allen 1999). In the Urban Institute's Illinois, Maryland, Ohio, and Texas *Returning Home* studies, 62 percent, 49 percent, 48 percent, and 53 percent of respondents, respectively, interviewed about two months after their release from prison, reported that they slept at a family member's home (including a spouse or partner) their first night out of prison. At the time of the interview, the overwhelming majority (88 percent in Illinois and 80 percent in Maryland, Ohio, and Texas) were living with a family member (La Vigne et al. 2003; Visser, La Vigne, and Travis 2004).

For some returning prisoners, residing in the home of a family member, friend, or significant other is not an option because of interpersonal conflict, the reluctance of family members to welcome a violent individual back into their lives, or the lack of an immediate family. In some cases, additional legal restrictions further limit housing options. Conditions of parole may prohibit returning prisoners from residing with a family member or close friend if that person has a criminal record. According to a 1988 survey of conditions placed on former prisoners under parole supervision, 31 of the 51 responding parole agencies (61 percent) reported that they prohibited parolees from associating with anyone who had a criminal record (Rhine, Smith, and Jackson 1991). Even those who are able to move in with family may not find residential stability. The Illinois *Returning Home* study found that 20 percent of those who moved within two years after their release from prison did so because of conflict with family members (LaVigne and Parthasarathy 2005).

Returning prisoners with nowhere to go often end up in shelters, which are short-term facilities that typically do not help clients search for permanent housing. Others leaving prison may return to or look for federally subsidized

housing through the Housing Choice Voucher Program (formerly called Section 8) or the federal public housing program. However, with the exception of a few studies, little is known about the numbers of formerly incarcerated individuals residing in federally subsidized housing. Moreover, returning prisoners may be barred from subsidized housing because of federal laws or local admissions policies barring persons who have been convicted of certain types of offenses, such as drug or sex offenses, from subsidized housing. The Illinois *Returning Home* study found that 8.8 percent of respondents who participated in all four waves of the study reported living in public housing or Section 8 housing two months after their release. Between one and two years after release, a slightly larger percentage—10.4 percent—reported living in public housing or Section 8 housing (La Vigne and Parthasarathy 2005).

Another recent study (Venkatesh 2002) suggests that a substantial number of public housing residents have family members or significant others with a recent criminal history. Venkatesh (2002) found that 4 in 10 residents of the Robert Taylor Homes, a public housing development in Chicago, report or expect the return of an inmate from jail or prison in the next two years. Nearly half (43 percent) of the families expecting a household member to leave prison in the next nine months reported that they did not want that person to live in their household again. However, these families did not plan to prevent the returning prisoner from residing in the apartment even though more than half (56 percent) predicted that he or she would once again be involved in some form of illegal activity.

In addition to this study, Popkin, Cunningham, and Woodley (2003) found that returning prisoners may come to rely on public housing as their only option to avoid homelessness. Their study examined the characteristics and needs of public housing residents living in the Ida B. Wells community, a large Chicago housing project being demolished to make way for a new, mixed-income community. At the time of the study (late 2002 and early 2003), Wells housing, though largely boarded up and abandoned, was home to a thriving drug market. Popkin, Cunningham, and Woodley (2003) surveyed the population living at Wells during demolition; interviewed all squatters living in vacant units, hallways, and other areas; and conducted in-depth interviews with residents and squatters. Four percent of the 294 squatters interviewed had returned to Wells from prison; another 5 percent left their former living arrangements after police raids (suggesting involvement in illegal activity). Problems with drug addiction forced another 8 percent out of their former homes. These squatters reported that they had nowhere to go and no services available to help them. When asked where they would go when all of the buildings were demolished, 32 percent responded that they did not know, and 30

percent reported that they would go to another Chicago Housing Authority building.

For those returning prisoners who cannot live with family or are prohibited from subsidized housing, the options are few. Remaining options include the private market; transitional facilities such as corrections-based housing, also known as halfway houses; service-enriched transitional and phased-permanent housing; and more permanent options such as homeless assistance supportive housing and special-needs housing.⁵ With the exception of the private market and corrections-based transitional facilities, these types of housing are most often partially or wholly funded by the U.S. Department of Housing and Urban Development (HUD) and specifically designed to support disadvantaged populations.

Supportive or service-enhanced housing programs offer a range of services in addition to housing, including family counseling, case management, medical services, substance abuse counseling, socialization skills groups, anger management, vocational training, and assistance with obtaining vital documents such as Social Security cards and birth certificates. Little is known about the use of service-enriched transitional, permanent supportive housing, and other HUD-supported special-needs housing by returning prisoners. Obtaining reliable data on the numbers of returning prisoners using such options would require states to systematically track them or researchers to develop large multistate housing-focused studies that survey released prisoners. However, in-person and self-administered surveys are often fraught with issues because they require prisoners to understand the subtle differences among corrections-based transitional housing, HUD-subsidized transitional and permanent supportive housing, and special-needs housing.

The Corporation for Supportive Housing (CSH) reports that permanent supportive housing has not traditionally been designed for ex-offenders, let alone those exiting prison (Black and Cho 2004). Although some jurisdictions have used supportive housing and special-needs housing specifically to target returning prisoners or ex-offenders, the majority serve these populations simply because they are homeless or at risk of becoming so (Black and Cho 2004).

⁵ Service-enhanced housing includes transitional (i.e., fixed length of stay) or phased-permanent housing and is coupled with a variety of support services to help clients achieve self-sufficiency. In most cases, clients do not have occupancy agreements or leases. Phased-permanent refers to a new housing model where residents have month-to-month occupancy agreements (not leases) and therefore have some rights of tenancy. Phased-permanent housing is intended to be short term, with the goal of helping residents move on to more permanent forms of housing. Supportive housing is permanent housing that provides units to lease-holding tenants; social service provision is an integral component of the operation.

Not surprisingly, returning prisoners often face insurmountable obstacles when they try to access the private rental market, as well as the transitional and permanent housing options discussed earlier. We look at these obstacles next.

The obstacles to housing for returning prisoners

Today, housing is out of reach for many people, not only those with criminal records. A study by the National Low Income Housing Coalition reports that the national housing wage for 2005 was \$15.78, or \$32,822 a year, almost three times the federal minimum wage (2005). The national housing wage represents the amount a full-time worker must earn to be able to afford the rent for a modest two-bedroom home while paying no more than 30 percent of income for housing. Nationally, a family with two adults working full-time at minimum wage would make \$21,424, much less than is needed to afford a two-bedroom apartment at the average fair market rent. In many metropolitan areas where returning prisoners are concentrated, local fair market rents are considerably higher than the national figures (National Low Income Housing Coalition 2005). Many urban areas are witnessing increasingly tight rental markets, with a severely limited number of units available for low-income households, particularly in neighborhoods accessible by public transportation. But cost is not the only obstacle. Criminal justice and housing policies and practices often create insurmountable barriers. In addition, community opposition and fragmentation of the nation's service systems—often less tangible, but just as formidable—pose barriers to housing for those leaving prison.

Criminal justice policy and practices

The agencies of the criminal justice system traditionally seek to connect prisoners to housing, yet these efforts are fraught with problems and limitations. Such efforts include implementing prerelease programming, requiring a verified address to be released, and using transitional centers (halfway houses). Many obstacles stem from the way the correctional system structures priorities. Not surprisingly, the correctional system emphasizes public safety and institutional security while prisoners are incarcerated.

Historically, preparation for release has not been a priority—and it becomes less so in times of drastic budget cuts and overcrowding. Analysis of 1997 national survey data for state inmates reveals that only 13 percent of soon-to-be-released inmates reported participating in prerelease programs (Lynch and Sabol 2001). And, most likely, an even smaller percentage receives housing-related assistance (e.g., counseling, search assistance, referrals to local housing providers, vouchers for rent, renter education, etc.) within these

programs. The Illinois *Returning Home* study, examining those clients who responded that they “did *not* have a place to live lined up” upon release, found that only 21 percent participated in prerelease programs. Of those who did, almost half (45 percent) reported that finding a place to live was not covered in the program. In addition, for those who discussed finding housing in their program, only 39 percent received housing referral information (Visher 2006). These numbers were similar in the *Returning Home* studies in Texas and Ohio and suggest that housing-related services, including linkages to postrelease housing assistance, are rarely a standard part of the prerelease suite of services.

A central obstacle to increasing the types of housing assistance provided as part of prerelease programming is that many correctional facilities are located far from the areas where most prisoners intend to return, making it difficult to connect them to the available housing market. Having a prerelease facility in a centralized urban area near where many prisoners return—though practical in terms of benefiting prisoners—requires shifting resources or developing new capital to establish the facility. New facilities are difficult to develop, usually due to land and building costs and community opposition.

In addition to a general dearth of prerelease programs, changes in sentencing structures no longer require prisoners to supply an address that can be verified by the parole board before they can be released. Moreover, today only one-quarter of returning prisoners are released by parole boards (Travis and Lawrence 2002). Although most community supervision officers still require parolees to maintain a verifiable address, they have already been released. Further, roughly 20 percent of returning prisoners are not under any type of supervision when they are released (Travis and Lawrence 2002). Basically, they are on their own; they do not have the benefit of any assistance from community corrections agents—nor do they have government pressure to maintain housing. Some of those who are released on parole may be required to enter a correctional halfway house. Halfway houses can provide the support needed to transition to more permanent housing. However, the use of halfway houses by state corrections systems is limited. It is estimated that less than one-half of 1 percent of all inmates released in 1999 were released through halfway houses (American Correctional Association 2000). In Texas, the state with the highest incarceration rate in the country, few beds are available in halfway houses. For instance, in Dallas County, there was one bed for every 44 prisoners released in 2001. In Bexar County (San Antonio area), there was one bed for every 75 prisoners released in 2001 (Watson et al. 2004). The *Returning Home* studies found that only a very small percentage of released prisoners (ranging from 5 percent to 10 percent) in each study site reported that they slept at a halfway house or transitional facility their first night out (Visher 2006).

In addition to barriers at the state level, federal policies can also complicate the reentry process. In December 2002, a new barrier to the use of halfway houses was created by a U.S. Department of Justice (DOJ) opinion altering how the Federal Bureau of Prisons can use halfway houses. (See DOJ 2002 for a summary of the opinion.) The opinion was meant to close a federal loophole that allowed those convicted of white collar offenses to bypass prison altogether and, instead, to spend their sentences in less restrictive community facilities. On February 14, 2005, the Bureau of Prisons codified the ruling in the Code of Federal Regulations (28 CFR 570.21).⁶

The ruling—basically stating that community confinement does not equal imprisonment—affects all federal prisoners (and all District of Columbia prisoners) who could be released to halfway houses near the end of their sentences. The opinion stipulates that halfway houses can be used for only 10 percent of the total sentence. The DOJ opinion has implications for community reintegration by lessening the potential positive impact of existing transitional resources. The clients of halfway houses generally spend their time in the community-based setting obtaining jobs and finding a permanent place to live. As a result of the ruling, many inmates are now residing in transitional facilities for very short periods, such as three to six weeks. Further, because the December 2002 ruling was implemented retroactively, the Bureau of Prisons immediately began to transfer prisoners out of halfway houses and back into prisons (Sady and Deffebach 2005).

Housing policies and practices

For returning prisoners, the barriers arising from housing policies and practices generally fall into two categories: (1) the scarcity of the housing stock and (2) formal and informal regulations and prejudices that restrict tenancy.

The scarcity of the housing stock creates barriers for all low-income persons seeking affordable housing. Low-income individuals and families frequently turn to federally subsidized housing. However, the demand for such housing greatly surpasses the supply (Millennial Housing Commission 2002).

⁶ Generally, a court must defer to an agency when a rule such as this one is put forth, unless it is deemed to be “arbitrary and capricious.” Because of this deference, it is often difficult for a court to find sufficient grounds to strike down an agency rule. However, as of January 2005, one District Court has ruled that the DOJ opinion is arbitrary and capricious because the Bureau of Prisons did not take certain factors into account in exercising discretion (*Drew v. Menifee*, 2005 U.S. Dist. LEXIS 3243 S.D.N.Y. February 25, 2005). Another case seeking to overturn the rule on behalf of an inmate was argued in the 2nd Circuit Court of Appeals in the summer of 2005. As of January 2006, no decision had been made. See WylieLaw (2003) for updates on the ruling and associated court cases.

Waiting lists for housing are typically long, and families with children get first consideration. According to the National Low Income Housing Coalition (2005), between 1996 and 1998, a family's average time on a waiting list for federally subsidized public housing rose from 22 months to 33 months, a 50 percent increase. In some large cities, the waiting period is substantially longer. In New York City, for instance, the wait is almost 8 years (National Low Income Housing Coalition 2005), and no new applicants have been enrolled since 1994.

Waiting lists are also long in many suburbs. The Housing Opportunities Commission of Montgomery County (MD) announced in the spring of 2005 that the waiting lists for the Housing Choice Voucher and public housing programs would not open to new applicants in 2005, marking the first time in more than a decade that neither list had opened. When the waiting list for the Housing Choice Voucher program opened in August 2006, more than 15,000 people applied within a five-day period. Although Montgomery County administers 5,300 vouchers, only about 300 vouchers will be available through the end of 2006 (Otto 2006). There are currently 10,000 families on the voucher waiting list and nearly 7,000 waiting for public housing (Housing Opportunities Commission 2005).

Certain legislative barriers also limit returning prisoners' chances of living in federally subsidized housing. HUD's "one strike and you're out" policy gives public housing authorities (PHAs) the power both to deny admission and to terminate the lease of people with a history of criminal behavior or use of drugs or alcohol. The Clinton administration enacted this regulation in response to calls for action to combat high levels of crime in public housing.

More specifically, each PHA exercises substantial discretion in determining local admissions practices. However, housing managers are required to deny admission to convicted sex offenders, those who have ever been convicted of the production of methamphetamine on public housing premises, and anyone who has been evicted from public housing within the previous three years because of illegal drug activity or alcohol abuse. With regard to evictions, the same one-strike policy, upheld by the U.S. Supreme Court, encourages PHAs to include in leases a provision that a tenant can be evicted if he or she, any member of the household, or any guest engages in drug-related criminal activity on or off the premises. Although those who are denied housing or are evicted are allowed an official appeal to the PHA, many are unaware of this right (Bradley et al. 2001).

The regulations in place are not automatic bans on applicants with a criminal history. The regulations also authorize the PHA to consider "evidence of rehabilitation" or, for those with a history of drug or alcohol use, whether the

applicant “is participating in or has successfully completed a supervised drug or alcohol rehabilitation program, or has otherwise been rehabilitated successfully” (24 CFR §960.203). One-strike policies are often used to deny housing to people who have been arrested for, but not convicted of, drug-related activity (Fleischer et al. 2001; Legal Action Center 2004).

In 1997, HUD conducted a survey of the nation’s PHAs to see whether the one-strike regulations were being used. Slightly over half (56.9 percent) of the nation’s 3,190 PHAs responded to the survey, and about 75 percent said that they were using the one-strike initiatives in their communities.⁷ In the six-month period before the policy took effect, these PHAs denied admission to 9,835 people because of their criminal or drug-related activities. In the six months after implementation, the number nearly doubled as 19,405 applications were rejected on one-strike grounds. That year, PHAs denied admission to a total of 45,079 individuals, meaning that the one-strike ban provided the basis for 43 percent of all rejections (HUD 1997).

According to the same study, the number of evictions from public housing also increased. In the six-month period before the policy took effect, responding PHAs had carried out 2,698 evictions for criminal or drug-related activities. In the next six months, 3,794 people were evicted on those grounds—a 40 percent increase. Several PHAs took advantage of the HUD survey to register their objections to the policy, reporting that many law-abiding residents were being evicted because of the criminal behavior of their children or grandchildren (HUD 1997).

The Legal Action Center’s more recent review (2004) of how PHAs have implemented these policies found that in 47 states, PHAs make individualized decisions about an applicant’s eligibility, considering the person’s entire criminal record, as well as evidence of rehabilitation. PHAs in 3 states flatly ban applicants with a range of criminal records. A Human Rights Watch (2004) study that gathered information on one-strike policies from 42 PHAs found that they typically reject applicants convicted of felonies within five years of the application.

In addition to the one-strike policy, HUD’s formal definition of “homeless” creates barriers for many jurisdictions seeking to use McKinney Homeless Assistance Act programs to house returning prisoners. These programs include (1) the Supportive Housing Program, (2) the Shelter Plus Care Program, and (3) the Section 8 Moderate Rehabilitation SRO Program. Essentially, returning prisoners cannot use these McKinney programs as their first housing option after release. Individuals must be homeless for a period of time (usually at least

⁷ Four hundred fifty-three respondents reported that they had not implemented the policy.

24 hours) before they are eligible for McKinney programs. However, there have been some recent modifications to the definition based on residence before incarceration, and, as a result, some jurisdictions are housing returning prisoners in programs receiving McKinney funds.

Community obstacles

In addition to the criminal justice system and housing policies and practices, communities can act as obstacles to the creation or expansion of community-based residential housing dedicated to or used by formerly incarcerated people. Even in jurisdictions that have money to build or operate facilities, community opposition, known as NIMBY (“not in my backyard”), can stop the siting of community-based facilities. Residents may fear for their safety as well as subsequent negative effects on property values (Lake 1993). NIMBY occurs in all types of communities, not just affluent or middle-class ones: Disadvantaged communities often have concerns about concentrating individuals with criminal histories in already distressed areas.

Local government frequently plays a part in NIMBY issues because zoning and land use laws can impose procedural requirements or restrictions that create numerous hurdles for organizations hoping to develop community-based facilities. A 1997 study by the National Law Center on Homelessness and Poverty polled 89 organizations that ran transitional housing programs (none of them dedicated to ex-offenders) and found that 41 percent had experienced NIMBY opposition from either neighbors or their local governments. The most common reasons for this opposition were anticipated loss of property values (64 percent) and a potential increase in crime (61 percent). Other motivations behind NIMBY include worries about possible increases in disorder and traffic (Galster et al. 2002). A panel of experts at a 2003 roundtable discussion on prisoner reentry and housing concluded that NIMBY opposition was one of the most intractable housing-related barriers facing returning prisoners today (Roman and Travis 2004).

Fragmentation across systems

As a nation, we have adopted many criminal justice and housing policies and practices that often create overwhelming obstacles for people trying to reestablish themselves after incarceration. In addition to these challenges, there are subtle and often intangible obstacles that result from fragmentation across and within service systems. A significant issue is the lack of a single agency or organization responsible for ensuring that individuals exiting prison find safe and affordable housing. Given the reality that multiple agencies across a vari-

ety of systems (e.g., corrections, affordable housing, homeless assistance, mental health, substance abuse treatment, etc.) may provide services to returning prisoners at various points in the reentry trajectory, instituting collaborative procedures or programs is inherently difficult. Provision of services often depends on people's supervision status and service needs, further complicating which organization will take ownership of a particular person's housing needs.

The release practices of corrections agencies are typically disconnected from the housing and homeless services systems and the neighborhoods to which prisoners return. Whether inside or outside prison, collaboration between corrections or community corrections and housing providers is rare. As noted earlier, although inmates nearing release may have discussed housing options with correctional counselors, very few receive specific referral information. Correctional facilities are often located far from the neighborhoods to which prisoners return, making it difficult to collaborate with housing partners, let alone connect prisoners with local housing resources.

Simply operating prerelease centers in urban areas does not guarantee success in providing direct housing assistance. Neither correctional counselors nor community supervision officers are trained to be specialists in neighborhood services. Even parole officers may not be familiar with their clients' neighborhoods. In most jurisdictions, parole offices are centralized and not neighborhood based, making it less likely that officers will learn about available neighborhood services that could benefit their clients.

It is not only the lack of familiarity with the world of housing options and services on the part of corrections personnel that creates obstacles to housing returning prisoners. Housing service providers may not be equipped to handle the additional needs that returning prisoners typically present. According to a survey of 45 housing providers in the District of Columbia, the overwhelming majority indicated that the inability of many returning prisoners to find jobs to pay the rent was the primary barrier to securing housing (Roman 2005).

Moreover, there is fragmentation even *within* the nation's housing system. At the federal level, housing services are provided under 23 programs operated by four federal agencies (U.S. General Accounting Office 1999). Further, unlike the case with corrections, a substantial number of nongovernment providers assume responsibility for providing housing, shelter, and social services to homeless people or those at risk of becoming homeless. And to complicate an already fragmented system, coupling supportive services with housing often involves accessing additional types of funding through different programs and different agencies. State and local housing program directors, often facing tight budgets and waiting lists for beds, are likely to believe that providing housing to returning prisoners, particularly those still under criminal justice supervi-

sion, is the responsibility of the corrections system. A related issue is that multiple fragmented programs can create a confusing and burdensome process for state and local officials seeking to use federal resources for housing. The complex administrative process may deter jurisdictions from developing an adequate system of supportive housing or service-enriched transitional housing to serve those who are homeless or at risk of becoming homeless—let alone those returning from prison. Often, creativity and dedication are needed to piece together a variety of funding sources to develop and manage transitional service-enriched or supportive housing programs.

Emerging policies and programs shaping housing opportunities for returning prisoners

Despite the abundant obstacles, many communities are rising to meet the housing-related challenges of prisoner reentry in a variety of ways that include new federal and state legislation, the development of innovative programming, the creation of new funding streams and the targeting of existing streams, and the formation of collaborative partnerships. The efforts listed next are indicative of an emerging focus on housing for returning prisoners.

Legislation

1. The U.S. Congress introduced a reentry bill known as the Second Chance Act of 2005 in both the House (H.R.1704, April) and the Senate (S.1934, October). This bill has a number of provisions designed to increase a returning prisoner's access to a variety of services. Provisions related to housing include authorizing money for states to provide postrelease and transitional housing and establishing an interagency task force on federal reentry programs and activities. The task force would be responsible for issuing a report and recommendations to Congress on barriers to reentry—in particular, admissions policies and practices in federal housing programs. In July 2006, the bill passed the House of Representatives Judiciary Committee and next will go to the House floor for consideration.
2. In 2001, the Florida legislature created a new Bureau of Transition Services within the Florida Department of Corrections (FDOC). With this change, FDOC is required to designate 400 beds in nonsecure community-based facilities for transition assistance for inmates nearing their date of release. FDOC must provide substance abuse transitional housing assistance that also emphasizes job placement and gainful employment for participants.

New programming

1. In 2003, the Massachusetts Department of Correction (DOC) established the Reentry Housing Program to serve all 17 DOC institutions throughout the Commonwealth. The program uses five mobile housing specialists to serve soon-to-be-released inmates who are at risk of being homeless. The housing specialists complement the work of correctional case managers within the prisons, creating a two-tiered system, and work with DOC counselors to identify housing needs and help with securing housing before an inmate's release. The housing specialists also help secure other nonhousing services such as mental health, substance abuse, education, and employment services.
2. The Rhode Island Department of Corrections and the Tennessee Department of Corrections implemented reentry transition planning services that include linking released prisoners to transitional housing through pre- and postrelease case management. Rhode Island's COMPASS project (Challenging Offenders to Maintain Positive Associations and Social Stability) places 200 participants each year in the program, and Tennessee's Bridges program has the capacity to serve roughly 300 people in the two-year program.

New funding streams and grants for programs and technical assistance

1. The 2003 multi-agency federal reentry effort, called the Serious and Violent Offender Reentry Initiative (SVORI), provides new and expanded opportunities to correctional systems committed to strengthening the reintegration of returning prisoners into the community. In addition to reducing recidivism, the programs are designed to improve the employment, housing, and health outcomes of the released prisoners who participate. SVORI is providing over \$100 million for reentry services to 69 grantees around the country.
2. In November 2005, the U.S. Department in Labor awarded nearly \$20 million in grants to 30 faith- and community-based organizations to provide prisoner reentry services. Known as the President's Prisoner Reentry Initiative, the grants focus on employment, but transitional housing is also considered a key component. Grant funds can be used to provide housing services or vouchers to partially subsidize transitional housing.
3. DOJ and HUD jointly funded the Public Housing Safety Initiative in fiscal years 2004 and 2005. This initiative funds a variety of crime prevention

strategies at 46 public and federally assisted housing sites. A number of sites have included reentry projects in their strategies.

4. On the state level, there has been movement to create funding streams dedicated to the development and operation of transitional service-enriched housing targeting people with substance abuse problems and/or those with mental illness. One example is the New York State Office of Mental Health's SRO Housing for Adults with Serious and Persistent Mental Illness Who Can Be Characterized as Having High Service Needs Program, which was created to provide service-enriched housing for this population. People who are incarcerated in jails and prisons are eligible for the program.
5. In 1999, the California state legislature enacted Assembly Bill 34,⁸ providing \$10 million for services to individuals who are homeless and mentally ill and individuals who are mentally ill and at risk of incarceration in Los Angeles, Sacramento, and Stanislaus Counties. On the basis of the early results demonstrated by this program, the legislature, through Assembly Bill 2034 (AB 2034), provided an additional \$55 million in 2000 to expand these services to include 31 more counties and 40 additional providers throughout the state. In Los Angeles, most AB 2034 consumers enter the program from jail. In general, the program funds housing and housing support services that include the use of housing specialists, temporary and long-term rent subsidies, problem-solving help for landlords, the provision of temporary or transitional housing, and the master leasing of buildings or apartments within buildings and subleases to consumers. Some counties are getting involved in developing or operating permanent supportive housing. AB 2034 programs use a "whatever it takes" approach to meet a variety of needs.

Evaluation results show that AB 2034 programs have been successful in enhancing residential stability and increasing successful community integration and, as a result, are cutting state costs (Burt and Anderson 2005; Mayberg 2003). Findings also indicate that the programs that serve the most challenging clients (those with longer histories of homelessness and incarceration) produce housing outcomes similar to programs serving less challenging clients (Burt and Anderson 2005).

The California and New York programs benefit returning prisoners even though such status is not the key targeting characteristic for entry. It is impor-

⁸ The full legislation is listed under California W.I.C. §5806, 5814, 5814.5, and 5802.

tant to note that research has shown that housing needs and models used (e.g., transitional, permanent supportive housing, etc.) vary both by client mental health status and by type of criminal justice system contact (prison reentry, jail reentry, or diversion) (Roman, McBride, and Osborne 2005). In other words, returning prisoners with mental illness might benefit most from permanent supportive housing, while returning prisoners without mental illness might benefit most simply from short-term transitional housing. However, to date, little evaluation research has shed light on best practices for providing housing to persons who have mental illness and who have had contact with the criminal justice system (Roman 2006).

Existing funding streams for new populations

1. Some states and local jurisdictions are using McKinney funds for programs that serve returning prisoners. In 1995, the Maryland Housing Authority received over \$5 million in Shelter Plus Care funds to provide housing for jail releasees who are homeless and seriously mentally ill. This rental assistance can also be used for state parolees who are homeless or in danger of parole revocation (National GAINS Center 2004).
2. In addition to using targeted homeless housing funds, some organizations have been successful in obtaining special-needs funding to house returning prisoners. Federal Housing Opportunities for Persons with AIDS (HOPWA) funding has been particularly useful in supporting housing for previously incarcerated persons. Often, these agencies define eligibility for housing funds based on a person's disability or health profile, rather than on homeless status. New York City, Baltimore, and Seattle have used HOPWA funds to develop programming targeted to ex-offenders living with HIV/AIDS (CSH 2002). In addition to HOPWA, Ryan White CARE Act Title I funds have been used in projects targeting ex-offenders with HIV/AIDS.

New partnerships creating new resources

The National Governor's Association's (NGA's) Prisoner Reentry Policy Academy is working with seven states (Georgia, Idaho, Massachusetts, Michigan, New Jersey, Rhode Island, and Virginia) to help governors and other state policy makers develop and implement effective prisoner reentry strategies that reduce costly recidivism rates. Each state has assembled an interdisciplinary team composed of five to seven representatives from governors' offices and key state agencies, such as corrections, housing, public safety, health and human services, welfare, and workforce. The NGA is expanding the Prisoner Reentry

Policy Academy to add additional states and select state-local partnerships. (See NGA 2006 for more information.)

1. The Re-Entry Policy Council (RPC), established by the Council of State Governments (CSG), developed a comprehensive compendium⁹ of bipartisan policy statements and evidence-based reforms to improve prisoner reentry. CSG is a nonprofit, nonpartisan organization that provides a platform for cooperation and collaboration among all elected and appointed state government officials by creating opportunities for legislators and staff to share ideas and experiences. RPC consists of over 100 diverse members, including state lawmakers; criminal justice policy makers and practitioners; workforce development and employment services officials; housing providers and housing system officials; representatives of health, mental health, and substance abuse treatment systems; victims advocates; people who have been incarcerated and their families; faith-based organizations; and researchers. Housing is one of the key focus areas of the report, and RPC has convened a housing advisory group to help develop three project elements: outreach and education, a resource kit, and site-specific technical assistance.
2. Iowa, Illinois, Michigan, Minnesota, and Ohio have joined together to create the Midwest Re-Entry Housing Initiative, a joint venture of public and nonprofit agencies to create 500 units of affordable, service-supported, community-based housing for people returning from correctional settings or criminal justice custody. The initiative is aiming to place the housing, both new projects and existing units, into service or development by 2007 (Daniel Cain, personal communication, July 20, 2005, and April 28, 2006).
3. The Nevada Department of Corrections (NDOC) and the State of Nevada partnered with a private real estate company to develop and build Casa Grande, a 400-bed transitional housing facility for nonviolent state inmates nearing the end of their sentence. Casa Grande, financed and owned by the private developer, is leased to NDOC, which will buy back the facility over a 30-year period. Clients living there use the funds they earn from jobs to pay \$16.35 a day toward operating costs. The facility, which resembles a college dormitory complex, opened in December 2005 (Dana Serrata, personal communication, March 6, 2006).

⁹ The 600-page document can be found at RPC 2006.

4. Private foundations and government agencies are funding intermediaries to assist local communities with reentry efforts. The Local Initiatives Support Corporation (LISC), an organization that supports community development corporations (CDCs), is developing methods to more actively engage the CDC community in the issues that former prisoners face. LISC has also developed a free training curriculum tailored to PHAs, property managers, CDCs, law enforcement, and social service providers to promote safe and stable housing and increase housing accessibility for recently released prisoners (LISC 2006). CSH, a national financial and technical assistance intermediary, has received funding from a variety of sources to educate policy makers about supportive housing, design social service programs, and provide technical and financial assistance to criminal justice and housing nonprofits seeking to develop supportive housing for former prisoners (Richard Cho, personal communication, July 20, 2005). In 2006, CSH received a grant from the Robert Wood Johnson Foundation to generate reentry-focused permanent supportive housing options in Chicago, New York City, and Los Angeles (Susan Augustus, personal communication, March 28, 2006). The Enterprise Foundation, a housing intermediary, created the Baltimore Reentry Partnership, an innovative collaboration between community organizations and the Maryland Department of Public Safety and Correctional Services (Roman, Jenkins, and Wolff 2006).
5. AIDS Housing of Washington developed a training resource for community organizations as a starting point for planning and improving postrelease housing and related services to support the transition of returning prisoners (Hals 2005).

Defining a common ground of policy interests

These new and existing opportunities are only a few of the many reentry housing efforts occurring around the country. They do not involve just pouring money into existing programs or developing new stand-alone programs. Conversations with state and local officials make it clear that the numerous obstacles to reentry housing have spurred some agencies and organizations to think outside the box and develop strategies that bring together historically disparate stakeholders. Across the country we see evidence of a growing number of corrections agencies working with homeless assistance organizations to create seamless transitions for returning prisoners. These are significant changes that are slowly creating a more effective reentry process. The downside is that these types of programs and partnerships are few and far between

and often originate from unique circumstances that may not be replicable in other communities.

We often hear from corrections administrators that investments made by corrections systems in community-based strategies benefit the community but not the systems, which may balk at expenditures for community-based and prerelease programming when public safety is defined narrowly. But given the increasing numbers of releases and the high rate of recidivism, corrections systems can no longer afford to accept a narrow definition of public safety. What if we knew that former prisoners who became homeless had the highest risk of committing new crimes? Hopefully, community services, regardless of who paid for them, would be prioritized for these individuals. Although we do not have the national-level data to measure this risk, we know from a number of studies that the risk of re-arrest and reincarceration is high for those who are homeless or do not have a stable residence (Meredith et al. 2003; Metraux and Culhane 2004). From another body of research, we know that transitional and supportive housing can be effective in reducing residential instability as well as reincarceration (Allen and Seiter 1976; Beck 1979; Culhane, Metraux, and Hadley 2002; Dowell, Klein, and Krichmar 1985; Lowenkamp and Latessa 2002).

If the corrections profession is committed to reducing recidivism, this goal could be accomplished through thoughtful change to in-prison and prerelease programming, as well as the development of comprehensive and coordinated community-based reentry programming for those who face significant barriers—in particular housing-related barriers—upon release. If done creatively, new or expanded programming would result in significant savings in future corrections budgets. As it stands now, a Bureau of Justice Statistics survey found that 56 percent of state inmates who were in prison in 1997 and expected to be released by the end of 1999 had been in prison on a previous occasion and 27 percent had been on parole at the time of their arrest and return to prison (Hughes, Wilson, and Beck 2001).

Housing and criminal justice practitioners alike agree that the criminal justice system could be a significant force in creating the momentum for changes that would reduce the multiple barriers to housing for returning prisoners (RPC 2004; Roman and Travis 2004; Travis 2005). It is unrealistic to expect housing systems to carry the burden for supporting improved housing options for returning prisoners. But housing agencies and homeless assistance organizations—government agencies and nonprofits alike—have a wealth of knowledge about effective housing strategies and services from which corrections agencies could benefit. These strategies and services involve more than simply referring returning prisoners to existing housing. Hence, the policy

discussion must occur in the larger collaborative framework of action toward effective housing solutions that include how to best finance, develop, and manage housing for returning prisoners. These new, coordinated efforts between corrections and housing agencies not only have enormous potential for mitigating the stumbling blocks returning prisoners face, they also help build a foundation for the systems change necessary for effective reentry solutions on a broad scale.

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