

September XX, 2018

The Honorable Susan Collins  
Chairman  
Senate Subcommittee on Transportation, Housing  
and Urban Development, and Related Agencies  
Washington, DC 20510

The Honorable Jack Reed  
Ranking Member  
Senate Subcommittee on Transportation, Housing  
and Urban Development, and Related Agencies  
Washington, DC 20510

The Honorable Mario Diaz-Balart  
Chairman  
House Subcommittee on Transportation, Housing  
and Urban Development, and Related Agencies  
Washington, DC 20515

The Honorable David Price  
Ranking Member  
House Subcommittee on Transportation, Housing  
and Urban Development, and Related Agencies  
Washington, DC 20515

Dear Chair Collins, Ranking Member Reed, Chair Diaz-Balart, and Ranking Member Price:

The undersigned organizations write to express concern for Sen. Dean Heller's amendment (SA 3671) that was attached to the Senate's FY 2019 Transportation, Housing and Urban Development (THUD) spending bill that would prohibit people convicted of certain crimes from receiving housing assistance. When conferencing the House and Senate THUD bills, we urge you to exclude Sen. Heller's amendment in the final FY 2019 THUD bill.

The amendment would go beyond the current law of preventing individuals on the sex offender registry from receiving public housing assistance by also precluding individuals with federal murder convictions. While the amendment purports to protect the safety of residents who currently live in subsidized housing, we believe the amendment is misguided for the following reasons:

- **Blanket bans remove local control and undermine reentry.** Housing is a critical component to successful reentry, reduced recidivism, and increased public safety. Blanket bans on housing assistance for individuals with criminal convictions deprive them from obtaining the support, skills, and jobs they need to achieve long-term reentry success. Formerly incarcerated individuals already face barriers in accessing limited affordable housing options, putting them at risk of homelessness and subsequent recidivism. Further limiting resources is a poor reentry policy and strategy.

The amendment would remove the ability of public housing authorities (PHAs) to take the current life circumstances of the applicant into consideration when determining eligibility. Some of these charges may have been from an applicant's youth or years prior and the applicant has taken steps to rehabilitate their life. PHAs also currently have the authority to set limitations on eligibility based on criminal history to protect their residents.

- **The amendment introduces state-level charges as barriers to eligibility.** The amendment would introduce state-level charges as a factor PHAs must include when determining resident eligibility. Currently, only certain federal drug charges and being subject to a lifetime sex offender registration requirement prohibit an applicant from being eligible for housing subsidies. State charges vary from state to state and could set up a system of different eligibility based on where applicants reside.
- **The amendment would force the eviction of current residents.** The amendment would require PHAs to re-evaluate the eligibility of their current residents and potentially evict those who have these charges on their records. These may be community members who have been successfully residing in subsidized housing while getting back on their feet after returning from incarceration.

- **The amendment is a policy rider.** The amendment would apply only to FY 2019 only, setting up the potential for differing and confusing standards for eligibility if Congress in future years decides not to continue the ban. The magnitude of the impact of this amendment should be decided through the authorization process, which would allow a more thorough debate of the proposed policy changes from stakeholders and impacted communities.

Thank you for your consideration,