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Res. No. 282

Resolution calling upon the New York City Housing Authority to permit former inmates to reunite with their families in Section 8 housing by establishing less restrictive admissions screening policies.

By Council Members Clarke, Barron, Brewer, Foster, James, Lopez, Reed, Sanders and Stewart

Whereas, Housing is a fundamental need, without which people are deprived of minimum comforts and the resources often necessary for employment; and

Whereas, Low-income people often do not have enough money to afford decent, safe, and good quality housing; and

Whereas, The federal Section 8 program addresses this problem by assisting households with monthly housing costs; and

Whereas, The Section 8 household pays a portion of rent based on household income, which is not more than 30 percent of household monthly adjusted income; and

Whereas, Inmates leaving our jails and prisons are less likely to recidivate if they are able to successfully reintegrate into the community; and

Whereas, Most jail and prison inmates have limited financial resources and require government assistance for their housing needs; and

Whereas, Federal law prohibits the admission into Section 8 housing of any household with a member who has been convicted of methamphetamine production on public housing premises or is a registered sex offender; and

Whereas, The application of other prohibitions on admission to Section 8 housing rely on

determinations by public housing authorities, including prohibitions on households with a member who has been evicted from federally-assisted housing for drug-related criminal activity; and

Whereas, In addition to the federally-mandated minimum prohibitions, public housing authorities have the discretion of establishing policies that deny admissions for a wide range of criminal activity; and

Whereas, The New York City Department of Housing Preservation and Development ("HPD") only denies admission to its Section 8 program according to the minimum prohibitions required under federal law; and

Whereas, HPD does not deny admission to any other households and has not established any policies to deny admission on any other bases; and

Whereas, Jurisdictions such as Portland, Oregon, employ tiered discretionary screening for criminal history that, depending on the crime, require no further screening, an explanation of the criminal activities, an explanation of the criminal activities and extensive evidence of rehabilitation, or denial of admission; and

Whereas, In contrast to the nuanced approach of HPD and Portland, The New York City Housing Authority ("NYCHA") denies admission based on a wide range of past convictions for felonies and misdemeanors well beyond those mandated by federal law; and

Whereas, It is unreasonable to presume that past convictions for such a wide range of crimes would threaten the health, safety, or right to peaceful enjoyment of the premises by other residents; and

Whereas, NYCHA may also evict entire households from Section 8 housing if the household admits any family member who would be denied admission based on NYCHA's restrictive screening policies; and

Whereas, As a result of NYCHA's restrictive screening policies, many people leaving incarceration are unable to reunite with their families and obtain housing assistance; and

Whereas, NYCHA's restrictive screening policies inhibit the re-integration of former inmates into the community and increase the likelihood of recidivism; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York City Housing Authority to

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permit former inmates to reunite with their families in Section 8 housing by establishing less restrictive admissions screening policies.

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