



Partners for Reentry Opportunities
in Workforce Development

USING HUD PUBLIC HOUSING POLICIES AND PRACTICES TO ADVANCE PROWD

Are all justice involved individuals denied access to public housing?

Public Housing Authorities (PHAs) have significant discretion in determining their admissions and occupancy policies for formerly incarcerated individuals. While PHAs can choose to ban ex-offenders from participating in public housing and Section 8 programs, it is not HUD policy to do so. In many circumstances, formerly incarcerated people might not be denied access. For more information, see [24 CFR 960.204 for Public Housing](#).

HUD Denial of Admission

There are two convictions for which a PHA must prohibit an applicant's admission. Those are: If any member of the household is subject to a lifetime registration requirement under a state's sex offender registration program and if any household member has ever been convicted of drug-related criminal activity for manufacture or production of methamphetamine on the premises of federally assisted housing.

PHAs must prohibit an applicant's admission for three years from the date of eviction if a household member has been evicted from federally assisted housing for drug-related criminal activity. PHAs must also establish standards that prohibit admission if the PHA determines that any household member is currently engaged in illegal use of a drug or the PHA has a reasonable cause to believe that a household member is involved in illegal drug use or has a pattern of illegal drug use that may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents. However, PHAs have the discretion to determine what a reasonable cause is in certain circumstances. PHAs may admit households if the PHA determines that the evicted household member who engaged in drug-related criminal activity has successfully completed a supervised drug rehabilitation program, such as those supervised by drug courts, or that the circumstances leading to eviction no longer exist (24 CFR 5.854).

Applicants Right to Appeal

As outlined by HUD in the [Use of Criminal Records](#), PHAs must notify applicants, provide records of the proposed action to applicants, and provide the opportunity for all applicants to appeal a

denial for housing, allowing the applicant to present evidence of positive change since incarceration (Subpart F of Use of Criminal Records). Working within the parameters and flexibility of the above regulations, many PHAs have established admissions and occupancy policies that promote reuniting families in supportive communities and using stable housing to improve the quality of life.

On October 31, 2023, HUD published a [Notice of Proposed Rulemaking](#) that would eliminate the agency's restrictions on the use of Fair Housing testers with prior felony convictions or certain other convictions by Fair Housing Initiatives Program (FHIP) grantees and Fair Housing Assistance Program (FHAP) agencies.

Helping Participants Secure Housing

- Identify the PHA for your area.
- Strong PROWD resource development staff develop relationships with PHA staff and encourage access to housing vouchers for their participants.
- Determine what vouchers or resources are available through the PHA for justice-involved individuals.
- PROWD case managers share information about participants' participation in PROWD and their progress with PHA staff to determine approval for housing.
- PROWD case managers learn about HUD/PHA housing requirements and the appeal process so they can counsel participants on their rights for housing in PHAs and steps to appeal negative decisions.

Resources

- The reentry section of HUD's website: [Meeting the Housing Needs of Formerly Incarcerated and Justice-Involved People | HUD.gov / U.S. Department of Housing and Urban Development \(HUD\)](#)
- April 12, 2022, memo from HUD Secretary Marcia Fudge: [Memo on Criminal Records.pdf \(hud.gov\)](#)
- June 10, 2022 memo from HUD Principal Deputy Assistant Secretary Demetria McCain: [Assistant Secretary for Fair Housing and Equal Opportunity \(hud.gov\)](#)
- February 9, 2023, Proposed Rule: [Federal Register: Affirmatively Furthering Fair Housing](#)
- It is not specific to justice-involved individuals but references the population.

- April 24, 2023 press release: [HUD Outlines its Action Plan to Remove Unnecessary Barriers to Housing for People with Criminal Records | HUD.gov / U.S. Department of Housing and Urban Development \(HUD\)](#)
- This resource explains the regulations and procedures PHAs use to distribute funds on behalf of families. [The PHA's Role in the Housing Choice Voucher Program \(hudexchange.info\)](#)
- Info about a 2014 pilot program in NYC: [New York City Housing Authority's Family Reentry Pilot Program | HUD USER](#)
 - Program page: [Family Reentry Program — Home \(backtonycha.org\)](#)
 - Vera Institute's evaluation: [Coming Home | Vera Institute](#)