



October 9, 2020



Texas Department of Housing and Community Affairs
QAP Public Comment, P.O. Box 13941
Austin, TX 78711



Attn: Matthew Griego



Dear Texas Department of Housing & Community Affairs' Governing Board:

The Texas Smart-On-Crime Coalition is writing to express concerns related to draft *2021 QAP, 10 TAC 11.1(d)(122)(B)(v), Supportive Housing Tenant Selection Criteria*.



The Coalition brings together businesses, faith organizations, and nonprofit organizations in a statewide effort to make the criminal justice system smarter, safer, and more cost effective. We recognize the vital role that supportive housing plays in helping to successfully reintegrate people with the highest housing barriers back into the community. Those with the highest barriers include survivors of family violence and other abuse who have criminal records stemming from the violence committed against them.



Importantly, under the status quo, housing developers can largely make their own choices with their own property, whereas this proposed change would impose a government mandate to exclude certain individuals. While groups across the spectrum share different views on the extent of the government's role in funding housing, **the issue here is avoiding government overreach that interferes with private developers who wish to use existing resources to serve individuals who have had a brush with the law.**



Please consider the following issues related to the proposed rule changes:



Concerns:

- The proposed rule would increase barriers to supportive housing for people with criminal records, which can actually make survivors of crime less safe and perpetuate the cycle of crime and incarceration. Some survivors of domestic violence and human trafficking who need to escape an abusive environment have themselves previously been convicted of a crime. A growing body of research demonstrates that housing instability is one of many factors that can lead to further victimization or crime itself.¹



- The proposed rule change will dramatically impact access to supportive housing for a group that already faces significant barriers to housing. Additional changes of this nature exacerbate the challenges of this population, thereby increasing the rate of homelessness.
- The draft is inconsistent with Governor Greg Abbott's support for private property rights and his efforts to address chronic homelessness in Texas. Governor Abbott supported changes to the 2020 QAP to leverage Low-Income Housing Tax Credit developments to house those who are chronically homeless by aligning with local homeless continuums of care.
- The proposed tenant selection criteria far exceed existing Housing and Urban Development (HUD) criteria by including both the manufacturing and delivery of illegal drugs, beyond methamphetamines; and it includes a lifetime ban for anyone on a registry.

Relevant Research & Community Resources:

- Years of research and experience demonstrate that supportive housing can dramatically reduce recidivism, especially for groups that have conviction histories for more serious offenses.²
- Criminal offenses that occurred more than five years prior to supportive housing move-in had no significant impact on housing outcomes.³

We appreciate you considering these issues, and we ask that you not approve the changes to the QAP. Rather, we ask that the Texas Department of Housing & Community Affairs work with stakeholders — including community organizations dedicated to promoting housing access for people with criminal records, as well as those who would be impacted by changes to the QAP — in developing a solution that addresses the concerns of all parties, including housing developers who choose to use their private property to offer stability to those seeking a second chance.

If you have questions, please contact Doug Smith, Senior Policy Analyst, Texas Criminal Justice Coalition, at dsmith@texascjc.org.

Respectfully,

The Texas Smart-On-Crime Coalition

¹ A. Tesfai & K. Gilhuly, *The Long Road Home: Decreasing Barriers to Public Housing for People with Criminal Records*. Human Impact Partners, 2016, <https://humanimpact.org/wp-content/uploads/OHA-HIA-Final-Report.pdf>. See also: Justice Policy Institute, *Housing and Public Safety*, 2007, http://www.justicepolicy.org/images/upload/07-11_rep_housingpublicsafety_ac-ps.pdf

² Matt Bruce, et al., *Community DSPD Pilot Services in South London: Rates of Reconviction and Impact of Supportive Housing on Reducing Recidivism, Criminal Behavior and Mental Health*, 2014, <https://onlinelibrary.wiley.com/doi/abs/10.1002/cbm.1892>.

³ Wilder Research, "Success in Housing: How Much Does Criminal Background Matter?," 2019, https://www.wilder.org/sites/default/files/imports/AEON_HousingSuccess_CriminalBackground_Report_1-19.pdf.