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MEMORANDUM

To: Board of Commissioners

From: Taylor Smiley Wolfe
Director of Policy and Planning
503.802.8506

Date: November 3, 2021

Subject: Screening Criteria Policy Changes

This memorandum provides the Board of Commissioners an informational update on Home Forward's Screening Criteria Policy Changes. No formal Board action is requested.

These actions support Strategic Plan Goal, One System: We leverage our role as the largest provider of affordable housing in Oregon to improve collaboration and efficacy between systems impacting people in poverty.

BACKGROUND
Racism in the criminal justice results in higher rates of criminal justice engagement at all levels (arrest, conviction, incarceration, etc.) for Black and brown people. Research shows that making housing decisions based on criminal history is likely to have a discriminatory effect on people of color, especially Black/African American and Latinx people. When landlords like Home Forward screen for criminal history to determine eligibility for housing, we perpetuate the racist injustices of the criminal justice system and amplify the harmful impacts by integrating those disparities into the housing system.

Home Forward owns almost 7,000 affordable homes that are managed by six different property management companies. Home Forward Property Management manages 40 percent of Home Forward properties and five third party companies manage the remaining 60 percent.

Currently, each property management company has a different criminal screening policy. Criminal screening policies typically include two elements:

1. <u>Denial period</u>: The period from the date of conviction when the landlord would outright deny an applicant (e.g., felony assault, 7 years from date of conviction).
2. <u>Individual assessment period</u>: The period from the date of conviction when the landlord would consider supplemental evidence from the applicant and perform an individual assessment prior to making a decision (e.g. felony assault, 7-10 years from date of conviction). An individual assessment includes reviewing any supplemental evidence that an applicant provides to address concerns about a specific rental barrier.

Home Forward is implementing a new agency-wide criminal screening policy to reduce racial disparities in applicant denials and increase access to affordable housing for people with a history of engagement with the criminal justice system. Home Forward will require all property management companies to reduce their criminal screening criteria to at or below the new policy. This change will ensure consistency across the portfolio in reducing screening barriers for people with a criminal history.

OVERVIEW

Current Policy
Of Home Forward's six property management companies, Home Forward only requires Home Forward Property Management to comply with a criminal screening policy. The other five property management companies must comply with local, state, and federal laws related to screening but they are not required to implement Home Forward's criminal screening policy.

Home Forward Property Management's criminal screening policy includes various denial and individual assessment periods based on the type of crime. It also includes lifetime denials required by the Department of Housing and Urban Development for applicants who are lifetime registered sex offenders or manufactured methamphetamine in federally assisted housing. See Attachment B for details on the look back periods within Home Forward Property Management's Current Criminal Screening Policy.

New Policy
The new policy will be portfolio-wide, meaning that all property management companies may not have screening criteria that are more stringent than Home Forward's policy. The changes will go into effect for Home Forward Property Management on January 1, 2022 and for third party property management no later than June 1, 2022. The policy:

1. Eliminates blanket denials and requires property managers to perform an individual assessment prior to making a decision on an application for criminal history.[1]
2. Reduces look back periods for crimes or eliminates consideration of crimes (see table 2).
3. Prohibits property managers from considering "no rental history" as a rental barrier.
4. Centralizes individual assessments at Home Forward, by Home Forward staff; this ensures consistency in individual assessment performance and enables on-going policy evaluation.

The new look back periods in Table 2. below are intended to only screen for criminal history that, if repeated, could have a negative impact on the health and safety of Home Forward residents. The look back periods were informed by extensive review of relevant research and literature, discussions with staff at various levels of the agency and a review of community input to various legislative processes related to landlord consideration of criminal history (see Attachment A for more details).

Table 2. Look Back Periods by Crime Type

Crime Type	Crime Categories	Example Crime	Individual Assessment period (from date of conviction)
Crimes against persons (violent)	Felony (violent – intentional)[2]	Lifetime registered sex offenders	Denial
		Homicide/Murder, Assault, Hate Crimes	5 years (single conviction) or 7 years (2 or more)
	Felony (violent – negligent or reckless)	Criminally negligent homicide	3 years
	Misdemeanor (violent- intentional)	Assault	3 years
Crimes against property	Felony	Arson	5 years
Drug related crimes	Felony (Controlled substance)	Manufacture, Distribution, or Possession of controlled substance with intent to distribute.	3 years
		Possession of controlled substance (schedule I and schedule II)	12 months
	N/A	Manufacture or production of methamphetamine on the premises of federally assisted housing	Denial

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[1] SB291 makes this a legal requirement as of January 1, 2022.
[2] Most crime definitions include specificity about whether the crime was intentional or the result of negligence. In cases where the crime definition is not clear and it could have been either intentional or negligent, the crime was included in this category.

CONCLUSION

This new policy will reduce barriers for applicants with a criminal history in accessing Home Forward owned housing (see Attachment B) and will reduce racial disparities in denials (see Attachment C). Ultimately, this will improve and increase access to affordable housing for Black and brown applicants.

ATTACHMENTS

Attachment A. Criminal Screening Criteria Literature Review & Policy Recommendations
Attachment B. Analysis of Policy Impact – Crimes Considered
Attachment C. Analysis of Policy Impact – Racial Disparities

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MEMORANDUM

To: **Michael Buonocore,**
Executive Director

Cc: **Executive Team**
Directors/Assistant Directors

From: **Taylor Smiley Wolfe,**
Director of Policy and Planning

Date: **January 25, 2021**

Subject: **Criminal Screening Criteria Literature Review & Policy Reccomendations**

Issue

Home Forward currently screens applicants for their criminal history with the objective to protect the health, safety, and peaceful enjoyment of the property by current residents and to protect the property itself. However, research shows that making housing decisions based on criminal history is likely to have a discriminatory effect on people of color, especially Black/African American and Latinx people. Home Forward's work is guided by our organizational values: "We do our work in support of systemic change for racial and social justice. We invest ongoing time and energy to learn about racism and systemic inequities. We are honest with ourselves about how we participate in these injustices and we work to correct them."

The purpose of this memo is to review the literature on criminal history and recidivism to answer two key policy questions:
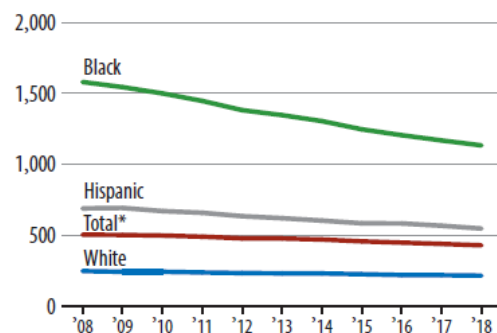
1. Is criminal history an effective tool to predict whether an individual will negatively impact the immediate health and safety of their neighbors or the property?
2. Given the likely racially discriminatory effect of considering criminal history, to what extent should Home Forward consider criminal history in deciding whether to rent to an applicant?

Background

The United States incarcerates more people than any other country in the world[i] and there are significant racial disparities across all levels of criminal justice involvement. In 2019, 655 per 100,000 people were in prison in the United States and nearly one-third of the population had a criminal record of some sort.[ii] In addition to these high overall rates, there are significant racial disparities in rates of arrest, detention pre-trial, incarceration, and supervision post-release. These disparities do not necessarily reflect differential rates of criminal behavior. For example, studies show that people of different races/ethnicities use and sell drugs at similar rates.[iii] However, Black Americans are 6.5 times more likely than white Americans to be incarcerated for drug-related offenses.[iv] In some states, Black men are incarcerated on drug charges at rates 20 to 50 times greater than white men.[v]

- **Arrest rates:** In 2012, the estimated national arrest rate was 3,890 per 100,000 residents. For white people, the rate was about 3,400 per 100,000 residents whereas for Black people the rate was more than 7,900 per 100,000 people.[vi]
- **Detention rates:** Black/African American and Latinx defendants are more likely to be detained before trial. Detention before trial is associated with a higher likelihood of conviction and harsher sentencing.[vii]
- **Incarceration rates:** Black/African American men are 6.4 times more likely than white men to be incarcerated. Latinx men are 2.6 times more likely than white men to be incarcerated. Black/African American women are 2.9 times more likely than white women to be incarcerated.[viii] In 2014, Black/African American people were about 13 percent of the U.S. population and made up more than 34 percent of the total correctional population of 6.8 million.[ix]

FIGURE 1

Combined state and federal imprisonment rate per 100,000 U.S. residents of a given race or ethnicity, 2008-2018

Note: Rates are based on prisoners sentenced to serve more than one year in state or federal prison. See table 5 for rates from 2008 to 2018.
*Includes all races, including those not shown separately in the figure.
Source: Bureau of Justice Statistics, National Prisoner Statistics, 2008-2018.

From arrest rates to use of deadly force by the police, the criminal justice system disproportionately harms Black, Indigenous and people of color. Significant racial disparities in all levels of criminal justice involvement reflects systemic racism in the criminal justice system that causes extreme harm to people of color. Having a criminal record has long-term negative consequences on an individual's ability to thrive. For example, a criminal record makes it harder for someone to secure stable housing and employment and these barriers are compounded for people of color who face employment and housing discrimination in the absence of a criminal record.

In light of the discriminatory harm caused by the criminal justice system, various policymakers have provided guidance and passed regulations to address the likely discriminatory effect of using criminal history in housing decisions. In 2016, the Department of Housing and Urban Development (HUD) released guidance stating that: "…criminal history-based restrictions on access to housing are likely to disproportionately burden African Americans and Hispanics" and are therefore likely, without justification, to violate the Fair Housing Act.[x] In 2020, the City of Portland implemented the Fair Access in Renting (FAIR) Act which prohibits housing providers from considering criminal history after a certain period of time (3 years for misdemeanors and 7 years for felonies) or they must consider all supplemental evidence provided by the applicant prior to denying an applicant for their criminal history. In 2017, The City of Seattle took the most sweeping action on criminal screening of any jurisdiction to date by prohibiting landlords from running criminal background checks on prospective tenants[xi].

Summary of Findings

1. Criminal history and recidivism are not measures of an individual's propensity for criminal behavior.

   - The literature is clear that if someone has been convicted of a crime in the past, they are more likely to be convicted of a crime in the future (recidivism) compared to someone who has never been convicted of a crime. However, "recidivism" is a measure of criminal justice involvement (re-arrest, re-conviction, re-incarceration), it is not a measure of an individual's propensity for engaging in criminal activity based on their past criminal history.[1] In other words, recidivism is a measure of someone's risk of being impacted by the criminal justice system, and research shows that people of color are disproportionately impacted by the criminal justice system despite engaging in similar rates of criminal behavior as white people. Further, criminal history alone does not predict recidivism – it is one of many factors associated with it. There is general agreement that certain factors are associated with an increased likelihood of recidivism (risk factors) and some factors are associated with a decreased likelihood of recidivism (protective factors).

2. Accurately assessing recidivism risk is challenging for clinicians with greater access to information.

   - Decision-makers in the criminal justice system have greater access to information about an individual's risk of recidivating than a housing provider. They make judgments about an individual's risk of recidivism by either combining risk and protective factors in their heads (clinical judgment) and/or by using risk assessment algorithms. Research supports that racial bias permeates both of these mechanisms. Well-designed algorithms can be more accurate and less biased than clinical judgment. A recent report on four commonly used algorithms estimated an accuracy range between 65.2-66.8%. In other words, decision makers with greater access to information about all of the factors associated with recidivism make imperfect and racially biased predictions about the likelihood that an individual will be impacted by the criminal justice system post-release.

3. Criminal history is not a good predictor of a tenant's risk to their neighbors

   - There is insufficient evidence that criminal history has any relationship with an individual's likelihood of posing an immediate threat to the health and safety of their neighbors.

4. Using criminal history to inform housing decisions will likely have a racially discriminatory impact.

   - The impact of systemic racism on the criminal justice involvement of people of color, especially Black men, cannot be overstated. People of color experience disproportionate rates of arrest, conviction, and incarceration. In 2016, the Department of Housing and Urban Development (HUD) released guidance stating that: "…criminal history-based restrictions on access to housing are likely disproportionately to burden African Americans and Hispanics" and are therefore likely, without justification, to violate the Fair Housing Act.[xii]

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[1] Note: Recidivism is defined in different ways across the literature. Some studies define recidivism as rearrest, reconviction, or reincarceration. As the Supreme Court determined that arrest does not mean someone has engaged in misconduct and HUD prohibits Public Housing Authorities (PHAs) from using arrest records as basis for denial of admissions, "recidivism" is defined as reconviction for the purposes of this memo.

Policy Recommendation

1. Set a reasonable look back period (Criminal History)

Crime Type	Crime Categories	Example Crime	Suggested Look-Back from Prison Release Date	Suggested Look-Back from Date of Conviction
Crimes against persons (violent)	Felony (violent – intentional)[2]	Lifetime registered sex offenders	Denial	Denial
		Homicide/Murder, Forcible Sex Offenses, Assault, Hate Crimes[3]	24 months	5 years
	Felony (violent – negligent or reckless)	Criminally negligent homicide	12 months	3 years
	Misdemeanor (violent- intentional)	Assault	12 months	3 years
Crimes against property	Felony	Arson	12 months	3 years
Controlled substance related crimes	Felony (Controlled substance)	Manufacture, Distribution, or Possession of controlled substance with intent to distribute.	12 months	3 years
		Possession of controlled substance (schedule I and schedule II)	N/A	12 months
	N/A	Manufacture methamphetamine in federally assisted housing	Denial	Denial

2. Always do an individual assessment: Home forward should not have blanket bans for any felony convictions, other than those mandated by HUD, and should always perform an individual assessment when considering criminal history. Staff should consider the seriousness of the crime, whether a person has been convicted of a serious crime more than once, time since the conviction, completion of or on-going involvement in rehabilitative treatment, changed circumstances since the conviction, successful participation in drug court, mental health court or other rehabilitative court, etc. Home Forward should also consider all information provided by an applicant to help address potential concerns about their criminal history.

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[2] Most crime definitions include specificity about whether the crime was intentional or the result of negligence. In cases where the crime definition is clear on this, staff should base decisions about which lookback to apply based on whether the crime description makes it clear whether there was intent. In cases where a crime definition does not provide clarity about whether the crime was intentional (could be either intentional or not), staff should go forward with an individual assessment (IA).

[3] "Forcible" sex offenses can be defined as any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent. "Non-forcible" sex offenses include non-forcible incest and statutory rape.

3. Track outcomes to minimize discriminatory effect: Home Forward currently tracks denial of applications where an applicant has some criminal history by race/ethnicity. However, Home Forward should also track the race/ethnicity of all considered and approved applications with criminal history by race/ethnicity to assess whether the policy is having a discriminatory effect.

Appendices.

Appendix A. Review of Literature

What does "Recidivism" as a measure tell us?

Recidivism is contemplated in this review because landlords often consider an individual's criminal history and statistics about recidivism rates by crime type to guess whether an individual is going to pose an immediate risk to their neighbors or the property because of their criminal history. In other words, decision makers assume that criminal history alone not only predicts future criminal behavior, but the same type and severity of behavior. A review of the limitations of statistical analyses about recidivism and a review of the empirical literature helps explain why this assumption is not correct. An individual's criminal history alone does not predict future criminal behavior or tell us whether potential future criminal behavior will be of the same type or severity as most recent criminal history.

Recidivism is defined in different ways across statistical analyses and empirical literature. Depending on the study, it can be defined as re-arrest, re-conviction, or re-incarceration. All of the definitions of recidivism are measures of criminal justice involvement, not a measure of an individual's propensity towards criminal behavior alone. Research shows that the criminal justice system criminalizes people of color at greater rates despite similar rates of criminal activity by race/ethnicity and is therefore inherently racially biased. In addition, many factors that are unrelated to individual likelihood to engage in crime are associated with increased or decreased likelihood of recidivism. First, most measures of recidivism look at arrest which is insufficient to tell us whether someone actually committed a crime, a conclusion supported by the Supreme Court. Even measures of recidivism that only include re-conviction or re-incarceration don't tell us whether someone was convicted or incarcerated for the same type or severity of crime as their most recent crime.

Although the Criminal Justice System can look at broad statistics about recidivism to draw conclusions about how ineffective they are at "rehabilitating" individuals or supporting successful re-entry, recidivism statistics have limited usefulness. For decision makers like employers and housers, criminal history and recidivism statistics are poor metrics to draw conclusions about an individual's risk to their co-workers or neighbors as a result of their criminal history.

Criminal History and Recidivism

Statistical Analyses: Recidivism rates

Decision makers are interested in someone's criminal history insofar as it tells them anything about whether someone will recidivate, or engage in criminal activity in the future. Recidivism is a measure of someone's subsequent criminal justice involvement after certain points in time (last arrest, first offense, etc.). For the purposes of this review, recidivism will be defined as conviction of a new crime unless otherwise stated because, although many recidivism reports estimate time to re-arrest, arrest is not an adequate indicator of whether or not someone committed a crime.

A commonly referenced type of research about recidivism is point in time statistical analysis of specific subpopulations of people with criminal histories. According to one such recent analysis of 404,638 people released from prison in 30 states in 2005, 45.2% recidivated within 3 years and 55.4% of individuals recidivated within 5 years.[xiii] The average person included in this study had 4.9 prior convictions. Although this data is a comprehensive point in time review of recidivism rates, it does not include risk of recidivism (defined as reconviction) by crime type. The study does estimate the rate of imprisonment by crime type over time.

- **Within 3 years**: 22% of individuals were imprisoned for a new crime with property offenders most likely to be imprisoned (26.5%), followed by public order offenders (22.2%), drug offenders (21.5%), and violent offenders (17.3%).
- **Within 5 years**: 28.2% of individuals were imprisoned for a new crime with property offenders most likely to be imprisoned (33.4%), followed by public order offenders (28.2%), drug offenders (27.5%), and violent offenders (22.9%). The applicability of this information to predicting individual recidivism rates is limited because the analysis doesn't control for risk and protective factors that influence risk of recidivism.

When looking at these statistics, it is important to note that this data reflect a point in time estimate of recidivism for a single group of people who were incarcerated during a specific period of time. These figures also represent people with varying criminal histories. It is likely that recidivism rates would vary by the extensiveness of someone's criminal history. For example, people who were first time offenders would likely have a lower overall recidivism rate than people with more extensive criminal records. Finally, estimates of overall recidivism rates don't tell us anything about the relationship between an individual's most recent crime type (e.g., violent crime) and the nature and severity or sphere of impact of a subsequent crime. Such statistical studies about overall recidivism by crime type tell us very little about the risk an individual poses as a tenant.

Empirical Analyses: Race and Recidivism

The impact of systemic racism on the criminal justice involvement of people of color, especially Black men, cannot be overstated and is not adequately addressed in the empirical literature on recidivism. People of color experience disproportionate rates of arrest, conviction, and incarceration despite similar participation in criminal activity.

It is important to note that in the empirical literature about recidivism, researchers have identified associations among various factors and likelihood of recidivism. However, the literature has not been able to identify causal relationships between the many factors associated with recidivism and recidivism itself.[4] For this reason, it is important to note that when the literature says that "race" is associated with recidivism, this does not imply a causal relationship. "Race" as a variable estimates whether someone's race has a statistically significant relationship (association) with recidivism. Given the clear impact of systemic racism and racial discrimination on criminal justice involvement, it would follow that the empirical literature would find "race" to have a statistically significant relationship with recidivism, and it does. Other factors held constant, being Black or Indigenous is associated with higher likelihood of recidivism in the empirical literature. Again, recidivism is not a measure of criminal behavior but criminal justice involvement and this statistically significant relationship captures the impact of systemic racism and racial discrimination on the likelihood of recidivism for Black and Indigenous people.

In addition to the impact of race on the likelihood of subsequent criminal justice involvement, Black and Latinx people don't even have to have a criminal history to experience societal stigma associated with

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[4] "Controlling" for a factor means including it in a statistical model to understand it's relationship with the outcome of interest (recidivism). Identifying a causal relationship between one factor and recidivism can only occur if all factors that impact recidivism are included in a statistical model, which is nearly impossible. Therefore, causal relationships can only be identified in "natural experiments" which are ethically problematic in social science research so researches will use various empirical methods to get as close as possible to identifying causal relationships. The research on criminal history and recidivism has not sufficiently identified causal relationships between factors associated with recidivism and recidivism.

being labeled a "criminal". For example, one study estimated the impact of the "felony" label on recidivism rates by comparing legally equivalent adults who were all convicted guilty of a felony but some were labeled "felons" and some were not. The study found that the felony label substantially increased the likelihood of recidivism but found that the effect was stronger for white people than for Black or Latinx people.[xiv] This finding suggests the implicit racist labeling of people of color as guilty of committing a crime even in the absence of a criminal record.

In addition to the impact of systemic racism captured in the variable "race" in empirical studies, Black people and people of color are more likely than white people to experience environmental and systemic factors associated with higher likelihood of recidivism, like barriers to employment, education, and living in resource rich neighborhoods. For example, one study found that "…it is easier for a white person with a criminal record to get a job than a Black person with no record, even among applicants with otherwise comparable credentials."[xv]

The fact that race has a statistically significant relationship with recidivism reflects racial bias in the criminal justice system and illuminates why using "recidivism" as a tool to estimate future individual behavior is both fallible and will result in a racially discriminatory impact.

Empirical Literature: Other factors associated with recidivism

There is general agreement that an individual's risk of recidivism is associated with a variety of individual, environmental and systemic factors, not just individual characteristics or criminal history alone. In general, recidivism rates are highest immediately after release from prison and fall thereafter and recidivism is much lower for those with relatively little previous interaction with the criminal justice system.[xvi] Across the literature, there is general agreement that certain factors are associated with an increased likelihood of recidivism (risk factors) and decreased likelihood of recidivism (protective factors). These factors are listed below. In interpreting these factors, it is crucial to remember that association does not mean causation. For example, being younger is associated with an increased likelihood of recidivism but it does not mean that being young causes someone to recidivate. Further, it is important to note that across the literature "recidivism" does not mean "individual propensity towards committing crime" – it mans re-arrest, reconviction, or re-incarceration.

The following factors are associated with increased likelihood of recidivism[xvii]:

- Antisocial attitudes and behavior,
- Mental health challenges,
- Sex (male),
- Age (younger offenders),
- More serious offenses,
- Less time since most recent criminal involvement (conviction, release from prison),
- Prior convictions,
- History of prior arrest,
- High supervision levels during probation/parole,
- Drug abuse challenges,
- High school education or less,
- Low socioeconomic status,
- Lack of social support,
- Living in a community with poverty, inequality, and socioeconomic disadvantage,
- Lack of employment,

- Housing instability,
- Race (Black, Indigenous).

The following factors are associated with <u>decreased</u> likelihood of recidivism[xviii]:

- Sex (female),
- Age (older offenders),
- Presence of social support,
- Returning to wealthier neighborhood,
- Stable housing,
- Employment,
- Social ties to family,
- Effective social support programs,
- High socioeconomic status,
- Four-year college degree,
- More time since most recent criminal justice involvement (conviction, release from prison).

Although there is general agreement in the literature that specific factors are associated with increased or decreased likelihood or recidivism, most studies are unable to isolate the causal relationships of individual factors or their interactions with other factors. For example, one commonly referenced study provides evidence that the risk of recidivism for a person who has been arrested in the distant past is almost indistinguishable from someone with no prior arrests within about 7 years. However, the study is specific to a group of juvenile offenders, defines recidivism as re-arrest, and doesn't control for any other factors that may influence re-arrest (police bias, socioeconomic status, substance abuse issues).

The literature can tell us which factors are associated with higher or lower likelihood that someone will recidivate, of which their criminal history is one factor. However, there have been no empirical analyses that combine all of the levels of risk and protective factors (individual, community and systemic) that are associated with recidivism, let alone in a way that identifies causality of individual factors. Researchers posit that: "…assessment of recidivism or the efficacy of offender reentry programs will be incomplete unless all these dimensions [individual, community, systemic dimensions] are taken into account."[xix] Further, assessment of recidivism will also be incomplete without taking systemic racism and racial bias of the criminal justice system into account alongside individual, community, and systemic factors. In conclusion, the empirical literature on criminal history and recidivism does not tell us the extent to which criminal history alone contributes to someone's risk of committing a crime in the future. Decision makers should not look at criminal history combined with general statistics about recidivism by crime type to draw conclusions about an individual's likelihood of re-committing a crime, let alone the risk they pose to their neighbors.

Housing and Recidivism

Access to stable housing is a key element of successful re-entry. Many individuals returning from prison have some form of probation/parole that requires securing employment and housing. However, due to affordability challenges and landlord screening practices, it is difficult for recently released individuals to secure housing.[xx] As a result, many individuals experience housing instability and have to move frequently, which are associated with higher rates of recidivism.[xxi] On the other side of the coin, there is evidence that access to affordable and supportive housing programs is associated with reduced recidivism. [xxii]

The Accuracy of "Risk Assessment" Tools

By including criminal history as a factor in housing decisions, Home Forward is attempting to assess whether an individual is likely to engage in criminal activity again, assuming that doing so would negatively impact current residents and/or the property.

However, decision makers in the criminal justice system make judgments about an individual's risk of recidivism based on these factors by either combining them in their heads (clinical judgment) and/or by using risk assessment algorithms. These decision makers have greater access to information about an individual's risk and protective factors and their predictions than housing providers. Although there is debate over relative accuracy and racial bias of clinicians and "risk assessment" algorithms, a recent meta-analysis concluded that: "Well-designed predictive algorithms can provide information about defendant and offender risk that is more accurate and less biased than clinical decision making."[xxiii] A recent analysis of four major algorithmic tools reported an accuracy between 65.2-66.8% (Dressel & Farid, 2018). Research does support that racial bias permeates both of these decision-making mechanisms leading to an overestimation of recidivism risk for people of color, and especially for Black men, and underestimating recidivism risk of white people.[xxiv]

Clinicians and risk-assessment tools make imperfect and racially biased predictions about recidivism risk. It is unlikely that Home Forward staff will be able to predict an individual's likelihood of recidivism with greater and/or less racially biased accuracy than trained professionals and computers with greater access to information.

Criminal History and Housing Outcomes

Because housing providers use criminal history to predict whether or not someone is a risk to the health and safety of current residents, research about the impact of criminal history on the health and safety of current residents would be most relevant. However, housing providers are less likely to accept applicants with a criminal history unless they are intentionally providing re-entry specific/supportive housing. In the absence of "natural experiments" that would allow for research like there, there is no comprehensive empirical research about the impact of criminal history on the health and safety of current residents or the property.

Two commonly referenced studies that explore the impact of criminal history on housing outcomes (defined as housing retention) don't directly explore the relationship between criminal history and harm caused to other residents. These studies are also limited in their generalizability because they don't control for other factors that influence recidivism. One study evaluated the impact of criminal history on housing outcomes in a project based supportive housing program and found that: "criminal convictions did not predict participants' housing retention…"[xxv] The individuals served by this program were chronically homeless individuals with severe alcohol abuse challenges.

Another commonly referenced, but not peer-reviewed, study explored the impact of criminal history on housing outcomes for individuals who lived in four affordable housing properties between 2010 and 2017.[xxvi] Not all crime types were represented in this study and the authors were unable to control for factors that the literature has demonstrated have an impact on recidivism (employment, education, mental health or substance use disorders). Despite the inability to control for factors related to recidivism, the study found that most criminal offenses have little to no impact on housing outcomes. Of the 4 criminal offense categories that did have an impact on housing outcomes (property offenses, major drug offense, fraud, and assault), the effect of a misdemeanor offense became insignificant after 2 years while felonies

became insignificant after 5 years. Although this study explores the link between criminal history and housing outcomes, a poor housing outcome does not indicate that harm was caused to another resident or the property. An estimated 14 percent of the housing outcomes were negative, which included: leaving without notice (3%), nonpayment of rent (2%), and lease violations (8%).

Additional research is needed to understand the extent to which criminal history predicts risk of harm to current residents or the property.

Specific Crimes & Recidivism

Arson

Arson is defined as the criminal act of intentionally setting fire to property. In Oregon, the difference between Arson in the first degree and Arson in the second degree (both felonies) is whether or not the act of arson put an individual in danger of physical injury.[xxvii] Several studies have found that recidivism rates for people who have been convicted of arson are generally lower than people who have been convicted of violent or general crimes. Like many other types of criminal behavior, history of setting fires, substance abuse, and younger age have been identified as risk factors for arson related crimes.[xxviii] For example, a longitudinal analysis of people convicted of an arson-related offense in New Zealand between 1985 and 1994 (N=1250) found that recidivism rates for arson were 6.2% compared to 48.5% for violent offending and 79.3% for general offending.[xxix] This study defined recidivism as being convicted of the same offense, so over a 10 year period, only 6.2 percent of arsonists were convicted of another arson. For those who did commit another arson, the average time to re-offense was 3.5 years since conviction. Findings from this longitudinal analysis suggest that: "arsonists who were younger at the time of the criterion offense, had more than one arson charge in the court hearing for their criterion offense, and had more prior vandalism offenses were significantly more likely to commit an arson offence in the future."[xxx] This study did not control for dynamic risk or protective factors.

Homicide

Oregon Revised Statute defines homicide as: "… without justification or excuse, the person intentionally, knowingly, recklessly or with criminal negligence causes the death of another human being."[xxxi] The literature on recidivism for people who been convicted of homicide is relatively thin with approximately 11 studies about people who committed homicide, were imprisoned and released, and committed a second homicide.[xxxii] However, there is general agreement that someone who has committed homicide in the past is more likely to be convicted for use of lethal force in the future compared to someone who has never been convicted of a homicide. One study of 1,089 people who committed homicide in Finland between 1981 and 1983 identified 36 homicide recidivists. This study found that: "alcoholism increased the odds ratio of additional homicidal behavior in male homicide offenders about 13 times, and schizophrenia increased the odds ratio more than 25 times. During their first year after release from prison, male homicide offenders were about 250 times more likely to commit homicide than members of the general male population."[xxxiii] Like general recidivism trends for other crimes, recidivism is highest within the first 12 months of leaving prison. A recent study of 682 male offenders sentenced to the Florida Department of Corrections found that prior first degree murder was significantly associated with current homicide offending. Armed rape was another crime that was significantly associated with current homicide offending, indicating that severe violent behavior can precede or accompany homicidal offending. [xxxiv]

Sexual Offenses

Due to underreporting of sex crimes in particular, recidivism of sex offenders is difficult to measure. One of the largest sex offender recidivism studies looked at recidivism patterns of over 9,600 male offenders released from prison in 15 states in 1994.[xxxv] The recidivism rate for sex offenders in this study, measured as arrest for a sex crime within 3 years, was 5.3 percent. This rate was lower than recidivism rates for violent and overall recidivism: 17.1 percent and 43 percent, respectively.[xxxvi] However, sex-offenders were more likely to be arrested for a sex related crime post release (5.3%) compared to non sex-offenders who were arrested for a sex related crime post release (1.3%). Additional studies about recidivism among sex offenders confirm general recidivism trends, including: rate of recidivism decreased the longer someone was offense-free, and recidivism is higher for people with multiple offenses compared to first time offenders.[xxxvii]

Bias/Hate Crimes

The Federal Hate Crime Statistics Act defines bias crime as crime "motivated, in whole or in part, by hatred against a victim based on his or her race, religion, sexual orientation, ethnicity, national origin, or disability." Although a bias crime may victimize an individual person, the entire protected class of individuals in the community can be impacted and harmed by the crime because hate crimes send a message of hate and bigotry to the targeted community. Although law enforcement agencies do not always consider or prioritize responding to bias crimes as acts of domestic terrorism, advocates are demanding that hate crimes be included in the definition domestic terrorism. In the absence of sufficient literature on recidivism of hate crime offenders, looking at recidivism for individuals who commit terrorist acts can serve as a potential proxy. In a recent study on criminal risk factors for terror recidivism, it was found that: "The recidivism rate of terrorism offenders is higher than that for ordinary criminal offenders but follows similar patterns: sentence length and age upon release reduce risk of recidivism, while affiliation with a terrorist organization significantly increase it. For repeat offenders, recidivism to a new terrorism offense increases with the number of prior terrorism-related incarcerations and decreases with the number of additional incarcerations for regular criminal offences."[xxxviii] In evaluating an applicant with a bias crime conviction, Home Forward should consider whether the person has completed rehabilitative services.

Manufacture/Delivery of Controlled Substance

The most recent Bureau of Justice statistics report on recidivism among drug trafficking offenses tracked the recidivism of 10,888 individuals with federal drug trafficking offenses over 8 years from release in 2005. The study primarily defined recidivism as re-arrest and it's important to note that arrest is not sufficient to indicate guilt. When considering only the single "most serious" offense type of all drug trafficking offenders who recidivated, the most frequent offenses were: assault (23.8 %), drug trafficking (15.3%) and "other public order" offenses (14.4%).[xxxix] The report found, like general recidivism trends, criminal history and age were most strongly associated with recidivism. Contrary to conventional wisdom, drug trafficking offenders with higher base offense levels (function of drug quantity and type) had lower recidivism rates than those offenders with lower base offense levels.[xl]

Appendix B. Denial data by race/ethnicity for those with some criminal history (2018 to 2020)

Home Forward considers many factors, including criminal history, when making a decision about whether to accept an application for housing. Just because an individual has a criminal history at the time of denial does not mean their denial was based on their criminal history alone. Further, Home Forward may deny an application (initial denial) and later accept the application after receiving additional information or if an applicant goes through the hearing process.

The universe of data represented in Table 1 below includes applicants who received an initial denial and had some criminal history noted in the criminal screen. This data does not represent the universe of all applications considered by race/ethnicity or all applications considered with criminal history by race/ethnicity. This level of demographic data at each stage of the application process would be necessary to understand whether there are racial disparities in the overall approval or denial of all considered applications with some criminal history.

In the absence of that data, the information in Table 1 only allows us to estimate disproportionality in initial and final denials by comparing the share of denials by race/ethnicity to the share of population by race/ethnicity in Multnomah County.

Table 1. Denial of Applicants with Some Criminal History by Race/Ethnicity: 2018-2020

	Total denials (Initial)	Share denials (Initial)	Total denials (Final)	Share total denials (Final)	Share of population (Multnomah County)
white (Non-hispanic)	49	38%	27	33%	69%
white (hispanic)	6	5%	3	4%	-
Native American (Non-Hispanic)	6	5%	4	5%	0.67%
Native American (Hispanic)	0	0%	0	0%	-
Black/African American (Non-Hispanic)	37	29%	28	35%	5.41%
Black/African American (Hispanic)	2	2%	1	1%	-
Asian/Pacific (Non-Hispanic)	3	2%	2	2%	8.49%
Asian/Pacific (Hispanic)	0	0%	0	0%	-
No race identified (Non-Hispanic)	1	1%	1	1%	-
No race identified (Hispanic)	0	0%	0	0%	-
Don't know	24	19%	15	19%	-
Total	128	100%	81	100%	

This data shows that Black and Indigenous applicants with some criminal history are disproportionately likely to receive an initial and final denial compared to their share of the population in Multnomah County. Specifically, Black applicants with some criminal history who received a final denial were 36% of all final denials compared to Black/African American people being 5.41% of the population in Multnomah County. Native American/Indigenous applicants with some criminal history who received an initial denial represented 5% of all final denials compared to Native American/Indigenous people making up 0.67% of the population in Multnomah County. Non-hispanic white people with some criminal history who received an initial denial represented 33% of final denials compared to their share of the total population in Multnomah County of 69%. It is also important to note that after some denials were overturned due to additional information being provided or a hearing process taking place, these racial disparities did not go away. In fact, Black/African American applicants represent a larger share of final denials than initial denials.

Again, in the absence of demographic data for all applicants with some criminal history who were considered, it is not possible to tell whether rate of denial is higher or lower for BIPOC applicants than the share of BIPOC applicants whose applications were considered. However, the rates are disproportionate when compared to the share of the total population in Multnomah County.

Appendix C. Detailed Look Back Recommendation

Crime Type	Crime Categories	Example Crime	Suggested Look-Back from Prison Release Date	Suggested Look-Back from Date of Conviction	Notes
Crimes against persons (violent)	Felony (violent – intentional)[5]	Lifetime registered sex offenders	Denial	Denial	HUD mandates that Public Housing Authorities deny applicants who are lifetime registered sex offenders. See Appendix D for detailed list of sex offenses that require lifetime registration.
		Homicide/Murder, Forcible Sex Offenses, Assault, Hate Crimes[6]	24 months	5 years	Sex Crimes: All offenders committed of a "sex crime" are required to register as sex offenders for life unless they receive court approval to have their registration reduced. Home Forward would only be considering an applicant who committed a sex offense after they had received court approval to have their registration lowered.
	Felony (violent – reckless or negligent)	Criminally negligent homicide	12 months	3 years	
	Misdemeanor (violent- intentional)	Assault	12 months	3 years	
Crimes against property	Felony	Arson	12 months	3 years	Arsonists have a relatively low likelihood of being re-convicted for arson compared to recidivism for other crime types.
Crimes against society	Felony (Controlled substance)	Manufacture, Distribution, or Possession of controlled substance with intent to distribute.	12 months	3 years	
		Possession of controlled substance (schedule I and schedule II)	N/A	12 months	
	N/A	Manufacture methamphetamine in public housing	Denial	Denial	In Oregon, the manufacture of methamphetamine that results in an explosion is considered an arson offense. HUD requires PHAs to deny applicants who have manufactured methamphetamine

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[5] Most crime definitions include specificity about whether the crime was intentional or the result of negligence. In cases where the crime definition is clear on this, staff should base decisions about which lookback to apply based on whether the crime description makes it clear whether there was intent. In cases where a crime definition does not provide clarity about whether the crime was intentional (could be either intentional or not), staff should go forward with an individual assessment (IA).

[6] "Forcible" sex offenses can be defined as any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent. "Non-forcible" sex offenses include non-forcible incest and statutory rape.

Appendix D. Sex Offenses that Require Registration in Oregon

The Department of Housing and Urban Development (HUD) requires Public Housing Authorities to deny applications from people who are on a State lifetime sex offender registry. In Oregon, anyone convicted of a sex crime is required to register for life, until legally relieved of those reporting requirements. The length of registration is not directly tied to the severity of the crime of conviction. For example, Misdemeanor Sex Abuse III and Felony Rape I require the same term of registration – forever – until an eligible offender formally petitions for and receives relief from registration from either an Oregon court or the Board of Parole and Post-Prison Supervision.[7] Some convictions allow for "relief upon conviction" – but that is a formal court process. There is no automatic removal of the requirement to report based on the amount of time that has lapsed for any sex crime.

Oregon Revised Statutes 163A.005 defines "sex crime" as:

a) Rape in any degree;
b) Sodomy in any degree;
c) Unlawful sexual penetration in any degree;
d) Sexual abuse in any degree;
e) Incest with a child victim;
f) Using a child in a display of sexually explicit conduct;
g) Encouraging child sexual abuse in any degree;
h) Transporting child pornography into the state;
i) Paying for viewing a child's sexually explicit conduct;
j) Compelling prostitution;
k) Promoting prostitution;
l) Kidnapping in the first degree if the victim was under 18 years of age;
m) Contributing to the sexual delinquency of a minor;
n) Sexual misconduct if the offender is at least 18 years of age;
o) Possession of materials depicting sexually explicit conduct of a child in the first degree;
p) Kidnapping in the second degree if the victim was under 18 years of age, except by a parent or by a person found to be within the jurisdiction of the juvenile court;
q) Online sexual corruption of a child in any degree if the offender reasonably believed the child to be more than five years younger than the offender;
r) Luring a minor, if:
   a. The offender reasonably believed the minor or, in the case of a police officer or agent of a police officer posing as a minor, the purported minor to be more than five years younger than the offender or under 16 years of age; and
   b. The court designates in the judgment that the offense is a sex crime;
s) Sexual assault of an animal;
t) Public indecency or private indecency, if the person has a prior conviction for a crime listed in this subsection;
u) Trafficking in persons as described in ORS 163.266 (1)(b) or (c);

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[7] E-mail communication with Dave Piercy, Program Administrator Sex Offender Registration Section Oregon State Police on July 24th, 2020.

v) Purchasing sex with a minor if the court designates the offense as a sex crime pursuant to ORS 163.413 (3)(d), or the offense is the defendant's second or subsequent conviction under ORS 163.413 (3)(b)(B);

w) Invasion of personal privacy in the first degree, if the court designates the offense as a sex crime pursuant to ORS 163.701 (3);

x) Any attempt to commit any of the crimes listed in paragraphs (a) to (w) of this subsection;

y) Burglary, when committed with intent to commit any of the offenses listed in paragraphs (a) to (w) of this subsection; or

z) Criminal conspiracy if the offender agrees with one or more persons to engage in or cause the performance of an offense listed in paragraphs (a) to (w) of this subsection.

Oregon allows offenders to have their registration requirements reduced but they must go through a court process to receive approval for lowered registration. Certain sex offenders are not eligible to petition for relief from registration, including:

- A person who is a sexually violent dangerous offender under ORS 137.765[8]
- A person who has been convicted or found guilty except for insanity of one of the following offenses:
  - Rape in the first degree;
  - Sodomy in the first degree;
  - Unlawful sexual penetration in the first degree;
  - Kidnapping in the first degree as described in ORS 163.235 (Kidnapping in the first degree) (1)(e) or when the victim is under 18 years of age; or
  - Burglary in the first degree when committed with the intent to commit any of the offenses listed in ORS 163A.005.

- A person is classified as a level 3 sex offender (highest risk sex offenders).

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[8] As defined in Oregon Revised Statute 137.765, a "sexually violent dangerous offender" means a person who has psychopathic personality features, sexually deviant arousal patterns or interests and a history of sexual assault and presents a substantial probability of committing crimes outlined in ORS 137.765 (3).

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Analysis of Policy Impact on Crimes Considered
Prepared by: Taylor Smiley Wolfe, Director of Policy

Home Forward Property Management

Home Forward Property Management manages 40% of Home Forward's current portfolio and currently does not consider 66 percent of crimes. The current policy includes 8 different types of look back periods that are either "individual assessment" alone or have an outright denial period and an individual assessment period.

Table 1. Current Policy: Look Back Periods by Number of Crimes

Consideration Type	Consideration Period (from date of conviction)	Number of Crimes
None	Do not consider	357
Individual Assessment Only	< 2 years	1
	< 3 years	21
	< 5 years	27
Denial Period and Individual Assessment Period	Denial: < 3 years IA: 3-5 years	48
	Denial: < 3 years IA: 3-7 years	7
	Denial: <5 years IA: 5-7 years	1
	Denial: <7 years IA: 7-10 years	35
	Denial: <7 years IA: >7 years	41
	TOTAL	538

The new policy simplifies the current look back periods from 8 different categories to three categories. It also increases the number of crimes Home Forward does not consider from 66 percent to 79 percent.

Table 2 below shows the general change in look back periods by crimes type for Home Forward property management. Green indicates that the new policy will reduce the look back period. Grey indicates no impact which would mean that the current criteria is already the same or lower than the new look back periods.

Table 2. Impact of New Policy on Crime Consideration by Crime Type[1]

Crime Type	Specific Crimes	Home Forward Policy (Old)	Home Forward Policy (New)
Felony Violent Crimes	Lifetime registered sex offender	Denial	Denial
	Murder, manslaughter, kidnapping	Deny: < 7 IA: >7*	<5 years (1) and <7 years (2+)
	Rape and child sex crimes[2]		
	Other sex offenses[3]		
Felony property crime	Arson	Deny: < 7 IA: >7*	< 5 years
Felony drug related	Manufacture meth in federally assisted housing	Denial	Denial
	Manufacture or distribution of a controlled substance[4]	Deny: <7 years IA: 7-10 years	< 3 years
	Possession (Sch I)	Deny: < 5 years IA: 5- 7 years	< 12 months
	(Sch II)	IA: <5 years	< 12 months
Felony Property and Financial Crimes	Theft, Identity Theft	Various denial periods from 0-7 years depending on crime	Do not consider
Misdemeanor Property crimes	Theft	Do not consider	Do not consider
Misdemeanor Violent Crimes	Assault	Deny: <3 years IA: 3-5 years	< 3 years
Misdemeanor drug crimes	Possession	IA: <2 years	Do not consider

* In some cases, the IA period is 7-10 years instead of >7 years.

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[1] This is an oversimplification of Home Forward's old look back periods and there is some variation.
[2] In Oregon, if a person commits a sex crime, it requires lifetime registration as a sex offender and HUD mandates denial for lifetime registered sex offenders. The reality is that a person would only be considered under Home Forward's lower look back periods for felony violent offense (<5 years if one offense, and < 7 years if two or more offenses if their lifetime registration had been reduced through the court process.)
[3] Same as footnote 1
[4] HUD requires denial of applicants who have manufacture or produced meth in federally assisted housing so this category only applies to the manufacture of drugs that are not meth.

Table 3. New Policy: Look Back Periods by Number of Crimes

Consideration Type	Consideration Period (from date of conviction)	Number of Crimes
None	Do not consider	424
Individual Assessment Only	< 12 months	3
	< 3 years	46
	< 5 years (1 conviction) <7 years (2 + convictions)	65
	TOTAL	538

Finally, the policy change reduces the look back period for all of crimes Home Forward considered under the old policy (except those that require blanket denial). The policy will not impact the 365 crimes Home Forward already did not consider. The new policy eliminated consideration of 12 percent of crimes. The policy lowered the period of time during which Home Forward will perform an individual assessment for 4% of crimes. The policy removed the blanket denial period and either maintained or lowered the individual assessment period for about 16% of crimes.

Table 4. Impact of New Policy on Crime Consideration by Number of Crimes

Policy Impact	Crimes (number)	Crimes (Share)
No impact	365	68%
Eliminated consideration	67	12%
Lowered IA period	19	4%
Lowered IA period and removed blanket denial period	83	15%
Maintained IA period and removed blanket denial period	4	>1%
Added consideration	0	0%
TOTAL	538	100%

Income Property Management[5]

Income Property Management (IPM) manages about 30 percent of Home Forward's portfolio. They currently use two different sets of screening criteria. The first is for general affordable housing and the second is Single Resident Occupancy (SRO) housing. Green below indicates that Home Forward's new policy will reduce the look back period in IPM's current screening policy. Grey indicates no impact which would mean that IPM's criteria is the same or lower than the new look back periods.

Crime Type	Specific Crimes	Home Forward Policy (New)	IPM (Affordable)	IPM (SRO)
Felony Violent Crimes[6]	Lifetime registered sex offender	Denial	Denial	Denial
	Murder, manslaughter, kidnapping	<5 years (1) and <7 years (2+)	Denial	Denial
	Rape and child sex crimes		Denial	Denial
	Other sex offenses		< 5 years	<3 years
Felony Property Crimes	Arson	< 5 years	Denial	Denial
Felony drug related	Manufacture of meth in federally assisted housing	Denial	Denial	Denial
	Manufacture or distribution of a controlled substance[7]	< 3 years	Denial	Denial
	Possession (Sch I & II)	< 12 months	< 5 years	<3 years
Felony Property and Financial Crimes	Theft, Identity Theft	Do not consider	< 5 years	< 3 years
Misdemeanor Financial Crimes	Financial Fraud	Do not consider	< 3 years	< 2 years
Misdemeanor Property Crimes	Theft	Do not consider	< 1 year	< 2 years
Misdemeanor Violent Crimes	Assault	< 3 years	< 3 years	< 2 years
Misdemeanor drug crimes	Possession	Do not consider	< 3 years	< 2 years

* In some cases, the IA period is 7-10 years instead of >7 years.

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[5] This is an oversimplification of Home Forward and IPM's screening policy to allow broad comparisons between look back periods for crime types. Look backs may vary by individual crime outside of these categories.

[6] Lifetime registration as a sex offender is required for all sex crimes in Oregon. HUD mandates denial for lifetime registered sex offenders. A person would only be considered under the lower look back periods if their lifetime registration had been reduced through the court process.)

[7] HUD requires denial of applicants who have manufacture or produced meth in federally assisted housing. This category only applies to manufacture of other drugs.

Quantum Property Management[8]

Quantum Property Management (IPM) manages about 16 percent of Home Forward's portfolio. Green below indicates that Home Forward's new policy will reduce the look back period in Quantum's current screening policy. Grey indicates no impact which would mean that Quantum's criteria is the same or lower than the new look back periods.

Crime Type	Specific Crimes	Home Forward Policy (New)	Quantum
Felony Violent Crimes[9]	Lifetime registered sex offender	Denial	Denial
	Murder, manslaughter, kidnapping	<5 years (1) and <7 years (2+)	< 7 years
	Rape and child sex crimes		< 7 years
	Other sex offenses		< 7 years
Felony Property Crimes	Arson	< 5 years	< 7 years
Felony drug related	Manufacture of meth in federally assisted housing	Denial	Denial
	Manufacture or distribution of a controlled substance[10]	< 3 years	< 7 years
	Possession (Sch I & II)	< 12 months	< 7 years
Felony Property and Financial Crimes	Theft, Identity Theft	Do not consider	< 7 years
Misdemeanor Financial Crimes	Financial Fraud	Do not consider	< 3 years
Misdemeanor Property Crimes	Theft	Do not consider	< 3 years
Misdemeanor Violent Crimes	Assault	< 3 years	< 3 years
Misdemeanor drug crimes	Possession	Do not consider	< 3 years

* In some cases, the IA period is 7-10 years instead of >7 years.

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[8] This is an oversimplification of Home Forward and Quantum's screening policy to allow broad comparisons between look back periods for crime types. Look backs may vary by individual crime outside of these categories.

[9] Lifetime registration as a sex offender is required for all sex crimes in Oregon. HUD mandates denial for lifetime registered sex offenders. A person would only be considered under the lower look back periods if their lifetime registration had been reduced through the court process.)

[10] HUD requires denial of applicants who have manufacture or produced meth in federally assisted housing. This category only applies to manufacture of other drugs.

Pinehurst Property Management

Pinehurst Property Management (IPM) manages about 10 percent of Home Forward's portfolio. Green below indicates that Home Forward's new policy will reduce the look back period in Pinehurst's current screening policy. Grey indicates no impact which would mean that Pinehurst's criteria is the same or lower than the new look back periods.

Crime Type	Specific Crimes	Home Forward Policy (New)	Pinehurst[11]
Felony Violent Crimes[12]	Lifetime registered sex offender	Denial	Denial
	Murder, manslaughter, kidnapping	<5 years (1) and <7 years (2+)	Denial: < 7 years
	Rape and child sex crimes		
	Other sex offenses		
Felony Property Crimes	Arson	< 5 years	Denial: < 7 years
	Other	Do not consider	
Felony drug related	Manufacture of meth in federally assisted housing	Denial	Denial
	Manufacture or distribution of a controlled substance[13]	< 3 years	IA: < 5 years
	Possession (Sch I & II)	< 12 months	IA: < 5 years
Felony Financial Crimes	Fraud	Do not consider	IA: < 7 years
Felony	Other non-violent	Do not consider	IA: < 5 years
Misdemeanor Financial Crimes	Financial Fraud	Do not consider	IA: < 7 years
Misdemeanor Property Crimes	Theft	Do not consider	IA: < 7 years
Misdemeanor Violent Crimes	Assault	< 3 years	IA: < 7 years
Misdemeanor drug crimes	Possession	Do not consider	IA: < 5 years

* In some cases, the IA period is 7-10 years instead of >7 years.

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[11] This is an oversimplification of Home Forward and Pinehurst's screening policy to allow broad comparisons between look back periods for crime types. Look backs may vary by individual crime outside of these categories.

[12] Lifetime registration as a sex offender is required for all sex crimes in Oregon. HUD mandates denial for lifetime registered sex offenders. A person would only be considered under the lower look back periods if their lifetime registration had been reduced through the court process.)

[13] HUD requires denial of applicants who have manufacture or produced meth in federally assisted housing. This category only applies to manufacture of other drugs.

Affinity Property Management[14]

Affinity Property Management (IPM) manages about 2 percent of Home Forward's portfolio. Green below indicates that Home Forward's new policy will reduce the look back period in Affinity's current screening policy. Grey indicates no impact which would mean that Pinehurst's criteria is the same or lower than the new look back periods.

Crime Type	Specific Crimes	Home Forward Policy (New)	Affinity
Felony Violent Crimes[15]	Lifetime registered sex offender	Denial	Denial
	Murder, manslaughter, kidnapping	<5 years (1) and <7 years (2+)	Denial: <10 years IA: > 10 years
	Rape and child sex crimes		
	Other sex offenses		
Felony Property Crimes	Arson	< 5 years	
	Other	Do not consider	Do not consider
Felony drug related	Manufacture of meth in federally assisted housing	Denial	Denial
	Manufacture or distribution of a controlled substance[16]	< 3 years	Denial: <10 years IA: > 10 years
	Possession (Sch I & II)	< 12 months	
Felony Financial Crimes	Fraud	Do not consider	Denial: <7 years IA: > 7 years
Felony	Other non-violent	Do not consider	Do not consider
Misdemeanor Financial Crimes	Financial Fraud	Do not consider	Denial: <5 years IA: > 5 years
Misdemeanor Property Crimes	Theft	Do not consider	
Misdemeanor Violent Crimes	Assault	< 3 years	
Misdemeanor drug crimes	Possession	Do not consider	

* In some cases, the IA period is 7-10 years instead of >7 years.

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[14] This is an oversimplification of Home Forward and Affinity's screening policy to allow broad comparisons between look back periods for crime types. Look backs may vary by individual crime outside of these categories.

[15] Lifetime registration as a sex offender is required for all sex crimes in Oregon. HUD mandates denial for lifetime registered sex offenders. A person would only be considered under the lower look back periods if their lifetime registration had been reduced through the court process.)

[16] HUD requires denial of applicants who have manufacture or produced meth in federally assisted housing. This category only applies to manufacture of other drugs.

Central City Concern[17]

Central City Concern Property Management (IPM) manages about 2 percent of Home Forward's portfolio and does not screen for criminal history – they default to Home Forward's project-based voucher eligibility for screening. Because of this, Central City Concern is technically in compliance with our new policy but there are two areas where Home Forward's Project Based Voucher eligibility screening is actually higher than the new property management screening and needs to be adjusted. Green below indicates that Home Forward's new policy will reduce the look back period in Central City Concern's current screening policy. Yellow indicates a criteria above our screening. Grey indicates no impact which would mean that Pinehurst's criteria is the same or lower than the new look back periods.

Crime Type	Specific Crimes	Home Forward Policy (New)	Central City Concern (Home Forward's PBV Eligibility Criteria)
Felony Violent Crimes[18]	Lifetime registered sex offender	Denial	Denial
	Murder, manslaughter, kidnapping, sex offenses	<5 years (1) and <7 years (2+)	Denial: < 3 years
Felony Property Crimes	Arson	< 5 years	Denial: < 3 years
Felony drug related	Manufacture of meth in federally assisted housing	Denial	Denial
	Manufacture or distribution of a controlled substance[19]	< 3 years	Denial: < 5 years
	Possession (Sch I & II)	< 12 months	Denial: < 5 years
Felony	All other	Do not consider	Denial: < 3 years
Misdemeanor Financial & Property Crimes	Financial Fraud	Do not consider	Do not consider
Misdemeanor Violent Crimes	Assault	< 3 years	Do not consider
Misdemeanor drug crimes	Possession	Do not consider	Do not consider

* In some cases, the IA period is 7-10 years instead of >7 years.

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[17] This is an oversimplification of Home Forward and Central City Concern's screening policy to allow broad comparisons between look back periods for crime types. Look backs may vary by individual crime outside of these categories.

[18] Lifetime registration as a sex offender is required for all sex crimes in Oregon. HUD mandates denial for lifetime registered sex offenders. A person would only be considered under the lower look back periods if their lifetime registration had been reduced through the court process.)

[19] HUD requires denial of applicants who have manufacture or produced meth in federally assisted housing. This category only applies to manufacture of other drugs.

Analysis of Policy Impact – Racial Disparities
Prepared by: Seyoung Sung, Hatfield Fellow

Background. Analysis

Using the denial data from January 2018 to April 2020, the analysis of policy impact has two main foci.

1. Racial disparities under current policy: This part of analysis aims to understand whether there are racial disparities at each stage of the application process in the overall approval or denial of all considered applications with some criminal history.
2. Impact of criminal screening change on racial disparities (retro analysis): This retro analysis aims to compare our new policy and the current policy for the applicants with some criminal history denied during the data period to see what the impact of the policy would have been retroactively before then on racial disparities in denials of applicants with some criminal history.

Background. Home Forward Screening Process (Current)

After being selected from a waiting list, applicants are asked to complete a screening application. As applicants complete the screening applications, Home Forward proceeds with the three stages of the screening process to determine whether applicants meet Home Forward's eligibility and screening criteria. Each step has different criteria to meet the qualifications, and multiple factors are considered in combination for admission.

The first decision is made after the initial screening of applications based on the information. Initially rejected applications have to be reviewed by the regional property manager (RPM) or central person to determine if the denial is accurate and upheld. At this stage of the screening process, criminal screening policies are typically involved with denial period from the date of conviction when the landlord would outright deny an application (e.g., felony assault, 7 years from the date of conviction). The denial from the first stage of the screening process with confirmation of RPM or central person is regarded as "initial denial" in this analysis.

Next, the applications that are categorized to recommended individualized assessment without initial denial have to go through the individual assessment (IA). The IA process is a back and forth with site staff and the RPM as the evaluation is deliberately conducted to
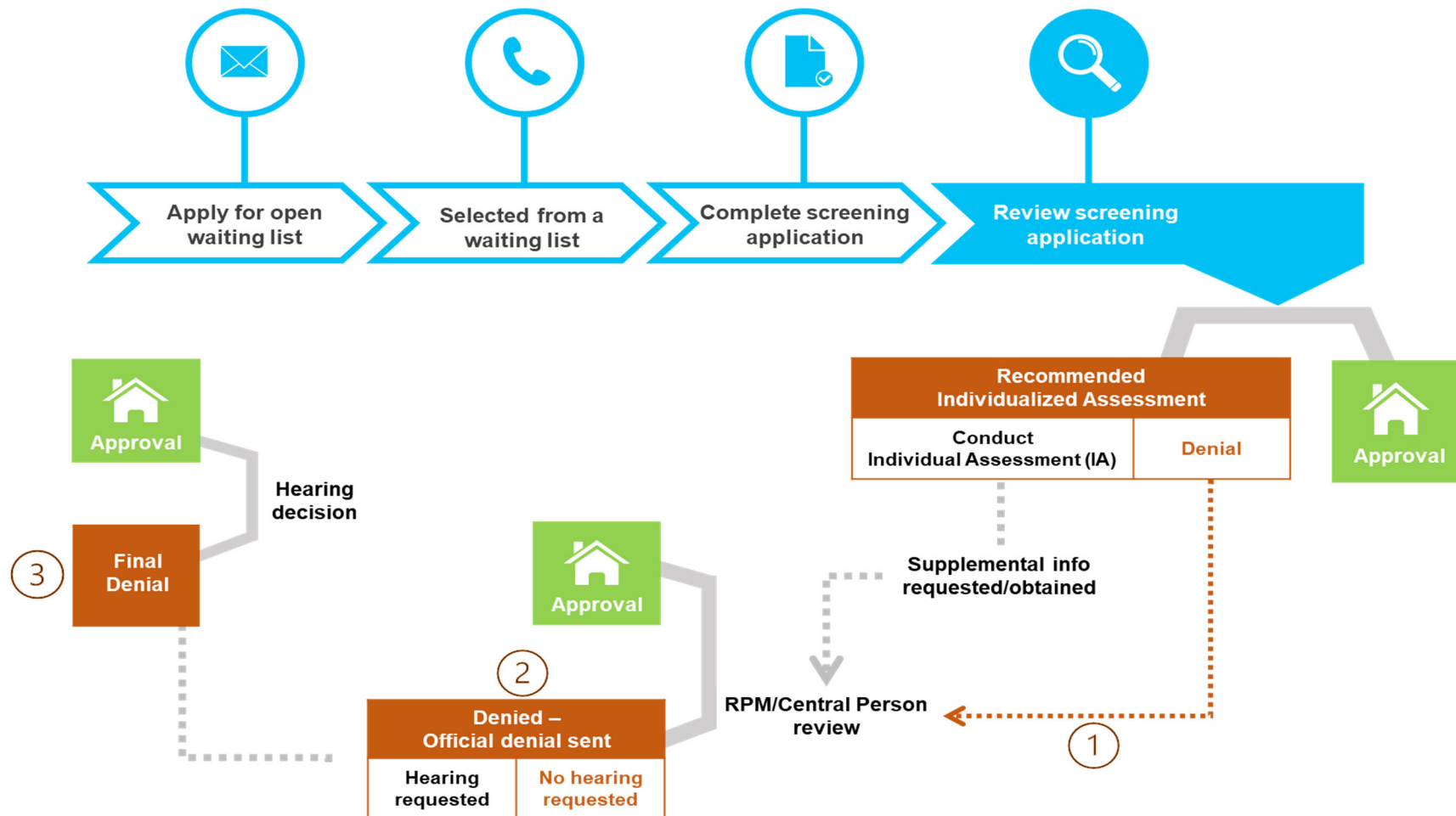
consider multiple factors. At this stage, criminal screening policies are typically involved with IA period. The period from the date of conviction when the landlord would consider supplemental evidence from the applicant and perform an individual assessment prior to making a decision (e.g. felony assault, 7-10 years from the date of conviction). An IA includes reviewing any supplemental evidence that an applicant provides to address concerns about a specific rental barrier. Based on the information provided, the outcome of an IA may be to:

1. Overturn the denial recommendation (in which case the application is approved) or,
2. Uphold the initial denial.

If the original denial is upheld, the applicant is sent written notification stating that their application was denied. Part of this letter includes info about their right to request a hearing. Although this denial would be regarded as the initial denial to the applicants in general at the agencywide, this analysis regards the denial at this stage as "second denial", "denial after IA", or "pre-hearing denial".

Last, an applicant may request a hearing after an initial or second denial. The applicant may submit additional information at this time. A third party hearings officer conducts the hearing and either overturns the initial denial, in which case the applicant is approved, or upholds the denial in which case they are officially denied. In this analysis, the decision made at this stage is called the final decision. The denial at this stage is called as "final denial".

Figure 1. Screening Process[1]

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[1] The number marked next to the denial indicates denials by the screening stages. As this chart seeks a general understanding of the screening process, it may oversimplify the back and forth with site staff and regional property managers to determine qualifications of applications between the stages identified in the flow chart

Background. Universe of Analysis (% of total portfolio)

The universe of data represented in this analysis includes applicants who received an initial denial (marked denial 1 in the flow chart) and had some criminal history noted on the criminal screen. The data used in this analysis came from the waiting list applications that received the denial from January 2018 to April 2020 for public housing and project based voucher properties managed by Home Forward Property Management.

Table 1. Total Denial of Applicants, Jan.2018-Apr.2020

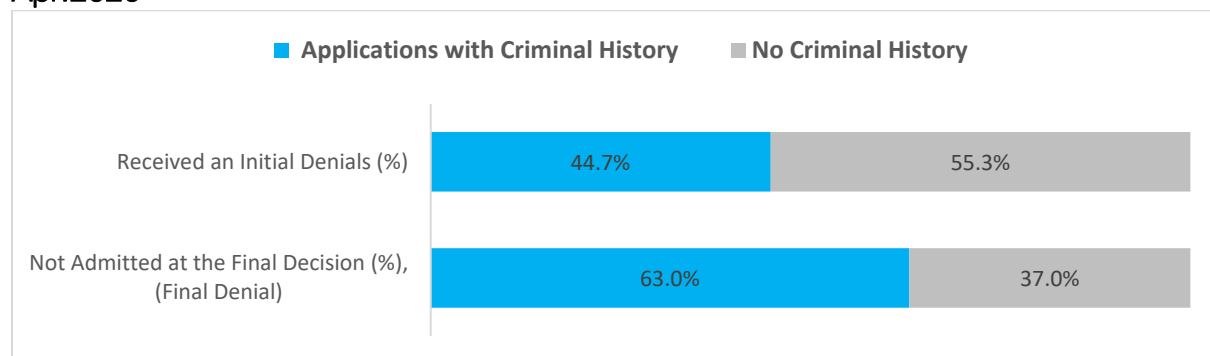|	All Applications Denied		Denial of Applicants with Criminal History		Total Applications on the Waitlist
	Received an Initial Denial	Not Admitted at the Final Decision	Received an Initial Denials	Not Admitted at the Final Decision	
Number of Applications (%)	219	100 (45.7%)	98	63 (64.3%)	9,748

Notes. Total 53 applications denied are excluded due to missing data (6 duplicated, 45 no race/ethnicity, 2 unknown final decisions).
"not admitted at the final decision" includes applicants who either went through the hearings process and were still denied or did not request a hearing, so the initial denial was also the final decision.

Applicants with Criminal History Are More Likely to be Denied
A significant share of applicants who received an initial denial and final denial had some criminal history. Of the 219 applications that received an initial denial, almost 45% had some criminal record. Of the 100 applications that received a final denial during the study period, 63% had some criminal history.

Figure 2. Share of Applications with Criminal History Across the Denial Process, Jan.2018-Apr.2020
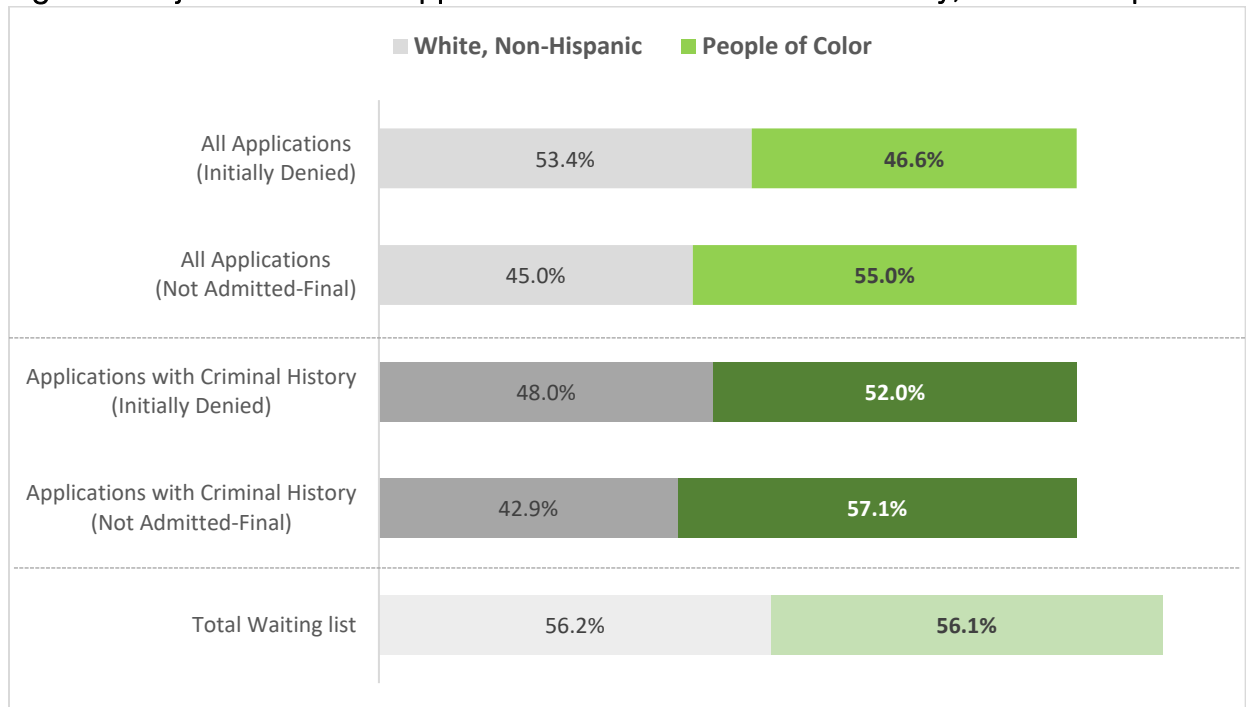
Analysis. Racial disparities under current policy

Finding 1. Disproportionate Denial Rate of Applicants of Color with Criminal History
Applicants of color have a higher denial rate than white applicants compared to the share of the applicants on the wait list by race/ethnicity. For applicants of color with a criminal history, the rejection rates of initial denial and final denial remain even higher than the average denial rate of all applicants.

Figure 3. Rejection Rates of Applicants of Color with Criminal History, Jan.2018-Apr.2020

Notes. The "total waiting list" does not add up to 100% because applicants can choose more than one race when identifying their race.

Finding 2. Higher share of Black applicants in the denials with criminal history

Table 2 shows that the share of Black applicants with some criminal history is higher in comparison with the share of Black applicants in all applications denied and the average share of Black applications on the waitlist. In particular, the share of Black applicants with some criminal history in receiving final denials is the highest among the racial groups. Especially, Black applicants in all denied applications showed the largest increase in the share differences between the initial and final denials. This may indicate the Black applicant with initial denials are more likely to uphold the initial decision than other racial groups. In particular, white applicants with some criminal history have lower share in receiving initial and final denials in comparison with the share of white applicants denied in all applications.
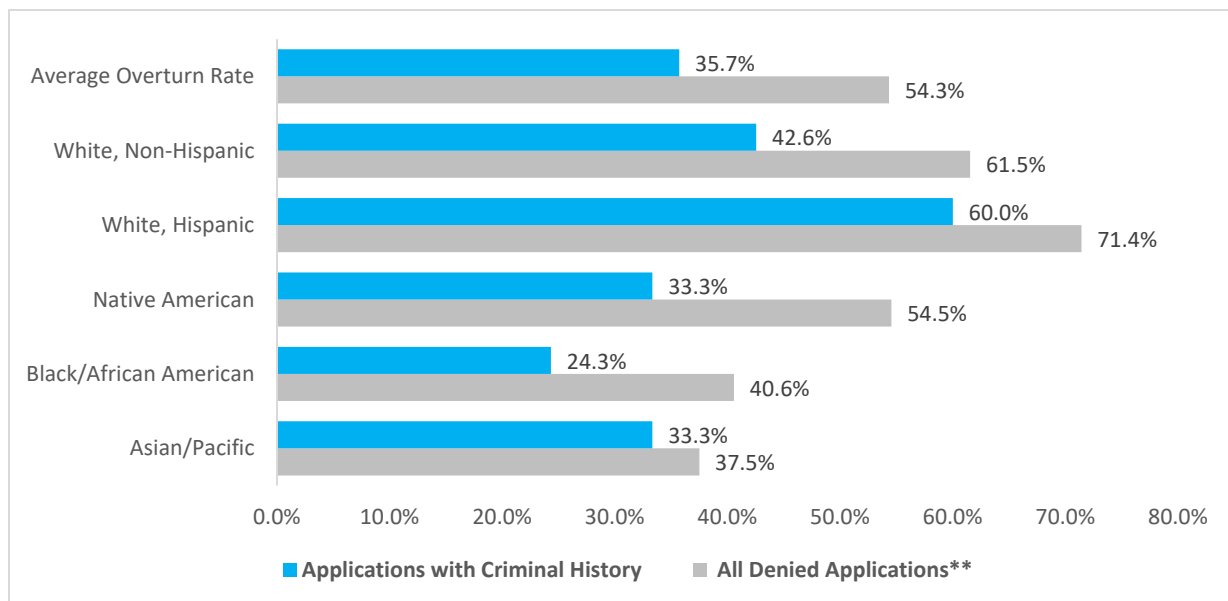
Table 2. Denial of Applicants with Criminal History by Race/Ethnicity, Jan.2018-Apr.2020

	All Applications Denied**		Denial of Applicants with Criminal History		Total Applications on the Waitlist
	Received an Initial Denial (%)	Not Admitted at the Final Decision (%)	Received an Initial Denials (%)	Not Admitted at the Final Decision (%)	
Asian/Pacific	8 (3.7%)	5 (5.0%)	3 (3.1%)	2 (3.2%)	578 (5.9%)
Black/African American	69 (31.5%)	41 (41.0%)	37 (37.8%)	28 (44.4%)	3,180 (32.6%)
Native American	11 (5.0%)	5 (5.0%)	6 (6.1%)	4 (6.4%)	704 (7.2%)
White, Hispanic	14 (6.4%)	4 (4.0%)	5 (5.1%)	2 (3.2%)	1,009 (10.4%)
White, Non-Hispanic	117 (53.4%)	45 (45.0%)	47 (48.0%)	27 (42.9%)	5,479 (56.2%)
Total	219	100	98	63	9,748***

Notes. **Statistically significant at p<0.05
*** Total sum of applications is greater than or equal to the number of records since race/ethnicity are multiple selections.

Figure 4. Overall Overturn Rates of Applicants of Color with Criminal History for the Entire Screening Process, Jan.2018-Apr.2020

**Statistically significant at p<0.05

Finding 3. Disproportionately lower overturn rates for applicants of color

In Figure 4, White applicants experience a relatively high overturn of the initial denial regardless of ethnicity. Some of this is explained by white applicants being more likely to request a hearing and then be overturned at the hearing. However, applicants of color tend to have lower overturn rates. In particular, Black applicants with criminal history experience the lowest overturn rates, which can be a significant barrier for Black households needing Home Forward assistance.

Finding 4. Different patterns of overturning a decision by the stage between all applications denied and applications with a criminal history
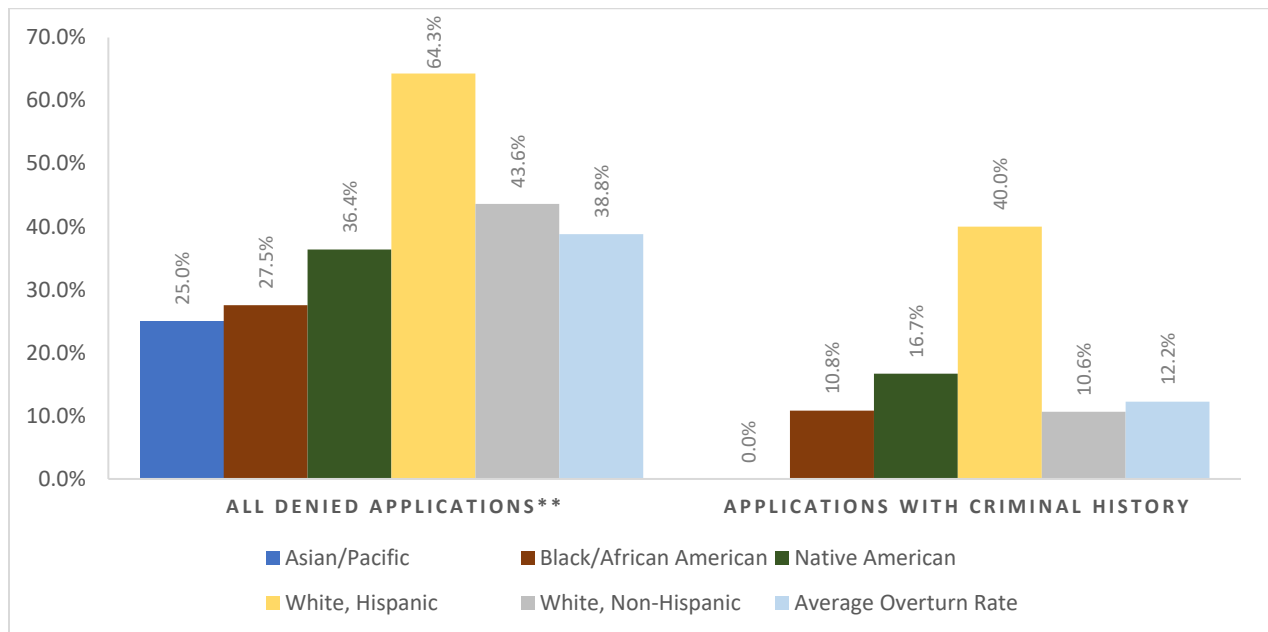
According to the information of Table 3, 39% of the 219 total applications that are initially denied have their denial overturned after the inidivdual assessment process , while 13% of initially denied applications are overturned after a hearing. However, applications with some criminal history have a much lower overturn rate at the pre-hearing stage. Only 12% of denied applications with criminal history had the decision overturned without a hearing, while 20% of initially denied applicants with criminal history had the decision overturned after a hearing.

Table 3. Overturned Applications by the Stage of Hearing Process by Race/Ethnicity, Jan.2018-Apr.2020

	All Applications Denied**			Denial of Applicants with Criminal History		
	Received an Initial Denial (%)	Overturn		Received an Initial Denial (%)	Overturn	
		Pre-Hearing (%)	Post-Hearing (%)		Pre-Hearing (%)	Post-Hearing (%)
Asian/Pacific	8 (3.7%)	2 (2.4%)	1 (3.4%)	3 (3.1%)	0 (0%)	1 (5.0%)
Black/African American	69 (31.5%)	19 (22.4%)	7 (24.1%)	37 (37.8%)	4 (33.3%)	4 (20.0%)
Native American	11 (5.0%)	4 (4.7%)	2 (6.9%)	6 (6.1%)	1 (8.3%)	1 (5.0%)
White, Hispanic	14 (6.4%)	9 (10.6%)	1 (3.4%)	5 (5.1%)	2 (16.7%)	1 (5.0%)
White, Non-Hispanic	117 (53.4%)	51 (60.0%)	18 (62.1%)	47 (48.0%)	5 (41.7%)	13 (65.0%)
Total	219	85	29	98	12	20

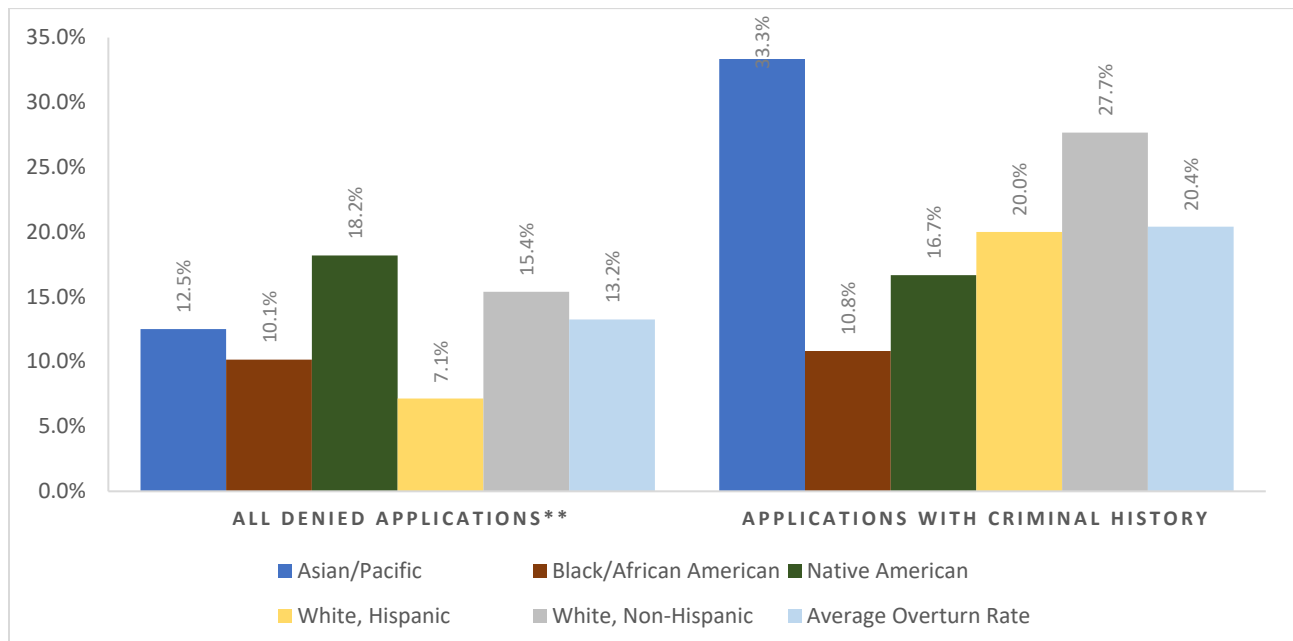**Statistically significant at p<0.05

Figure 5. Pre-Hearing Overturn Rate by Race/Ethnicity, Jan.2018-Apr.2020

Notes. Overturn rate indicates the likelihood of overturning the initial denials. It is calculated as the number of applicants with overturning initial decision divided by the number of applicants per racial/ethnic group.
**Statistically significant at p<0.05

Figure 6. Post-Hearing Overturn Rate by Race/Ethnicity, Jan.2018-Apr.2020

**Statistically significant at p<0.05

<u>Finding 5. Applicants of color are at a disadvantage to overturn their decisions after a hearing</u>

Racial and ethnic disparities in the share of initial denials that are overturned. Of all applications denied, about 60% of overturned decisions were for non-Hispanic white applicants before and after a hearing. In contrast, 58% of reversed decisions at the pre-hearing stage were made to applicants of color with some criminal history. However, white applicants with criminal history account for 65% of overturned decisions after a hearing.

Table 4. Disparate Patterns in Hearing Request and Overturning Rate Through a Hearing by Race/Ethnicity, Jan.2018-Apr.2020

	All Applications Denied**			Denial of Applicants with Criminal History		
	Pre-hearing denials	Applicants who requested a hearing (%)	Overturned through a hearing (%)	Pre-hearing denials (%)	Applicants who requested a hearing (%)	Overturned through a hearing (%)
Asian/Pacific	6	1 (16.7%)	1 (100%)	3	1 (33.3%)	1 (100%)
Black/African American	50	20 (40.0%)	7 (35.0%)	33	15 (45.5%)	4 (26.7%)
Native American	7	4 (57.1%)	2 (50.0%)	5	3 (60.0%)	1 (33.3%)
White, Hispanic	5	2 (40.0%)	1 (50.0%)	3	2 (66.7%)	1 (50.0%)
White, Non-Hispanic	66	28 (42.4%)	18 (64.3%)	42	22 (52.4%)	13 (59.1%)
Total	134	85 (41.0%)	29 (52.7%)	86	43 (50.0%)	20 (46.5%)

**Statistically significant at p<0.05

<u>Finding 6. Black/African American applicants are the most disadvantaged racial group in the screening process</u>

All Applications Denied

41% of 134 applicants upholding the initial denials at the pre-hearing stage requested a hearing to overturn their denials. A little more than half of the requestors successfully reversed their decisions. In particular, Black applicants who requested a hearing experienced the lowest overturn rate.

Denial of Applicants with Criminal History

Half of the applicants with criminal records whose initiral denials were upheld requested a hearing. Of the applicants with a criminal that requested a hearing, 47% had the denial overturned and their application accepted. However, Black applicants with criminal records had a lower rate of hearing requests than the average. Slightly more than one-fourth of Black applicants who went through the hearing process had their initial denials overturned, while three out of five white requestors had their denial reversed at the hearing.

Analysis. Impact of criminal screening change on racial disparities (retro analysis)

In the case of retrospective analysis of new criminal screening policy impacts, this analysis compares the new screening criteria to screening decisions make from 2018-2020 in Home Forward managed properties to understand the impacts of the policy change on racial disparities in applicant outcomes. The analysis mainly focuses on the effects of the impact of the policy on initial denial and second denial by individual assessment since the change in screening criteria for criminal history affects the first two stages in the screening process, as the flow chart is shown (Figure 1).

Table 3 in Attachment B shows how the new policy of screening criteria reduces the lookback period for all of crime Home Forward. The new policy has impacted 32% of total crimes that are considered under the old policy. Except for the crimes that are already not considered in the screening process, the new policy of screening criteria for criminal history can be categorized:

1. <u>Lowered individual assessment (IA) period</u>: Reduced the period of time after conviction that an individual assessment would be recommended (e.g., old policy individual assessment <5 years from conviction. New policy <12 months from conviction).
2. <u>Lowered IA period and removed blanket denial</u>: For crimes where Home Forward had both a blanket denial period and IA period, this change eliminates the blanket denial period and shortens the IA period. (e.g., old policy: denial <5 years, IA 5-10 years. New policy IA < 5 years.
3. <u>Eliminated consideration</u>: Crime no longer considered
4. <u>Maintained IA period and removed blanket denial period</u>: (e.g., old policy denial <2 years, IA <3 years. New policy IA <3 years)

"Removed blanket period" and "eliminated consideration" affect the initial denial in the first stage of the screening process. "Lowered IA period" involves the initial denial.Through the new policy, Home Forward can expect a decrease in initial denials and a decrease in initial denials that are upheld in the IA process, which may be associated with the racial equity for marginalized people in need of our housing by lowering the barriers.

This retrospective analysis focuses on the initially denied applications with a criminal history from January 2018 to April 2020. While tracking down the details of the criminal history of

each application, 15 applications have no documents with details that can be used for this analysis. Also, three applications are found with no criminal history. Of 98 initially denied applications with a criminal record, 80 applications are available to run this retrospective analysis.

Table 5. Impact of New Policy of Screening Criteria Matrix

New Policy Change	Initial Denial*	IA Performing	Pre-hearing Decision Impact (Total impact)	Total Impact: Prevention of denial and IA
No change	No impact	No impact	No impact	-
Lowered IA period	Would not have had an initial denial due to lowered IA period	IA should not have been performed*	IA should not have been performed*	Would have prevented performing IA
Lowered IA period and removed blanket period	Should not have received a blanket denial, but still, IA required	IA should not have been performed**	Should not have received a denial and not considered to perform IA ***	Would have prevented an initial denial/ performing IA
Eliminated consideration	Should not have received a denial	Eliminated need for IA	Should not have received a denial and not considered to perform IA ***	Would have prevented an initial denial/ performing IA
Maintained IA period and removed blanket period	Should not have received a denial, but still, IA required	No impact	Should not have received a denial, but still, IA required	Would have prevented an initial denial

Notes. * initial denial indicates the denial after the first screening process and confirmed by RPM or central person. This denial is issued before IA particularly when the date of conviction falls under the blanket denial period.
** if the date of conviction is more than the new period
*** if both conditions are satisfied under the new policy

Table 5 shows the universe of represented in this retro analysis. Since this analysis requires thorough reviews of screening results with individual information provided, the denial data with missing information on criminal history has been removed in this analysis. Thus, a total of 80 denial data has been used in this analysis, while the analysis of racial disparities under current policy, the first part of the analysis in this attachment, has used 98 data of denial with a criminal history.

Table 5. Applicants with Insufficient Documents for Criminal History by Race/Ethnicity, Jan.2018-Apr.2020
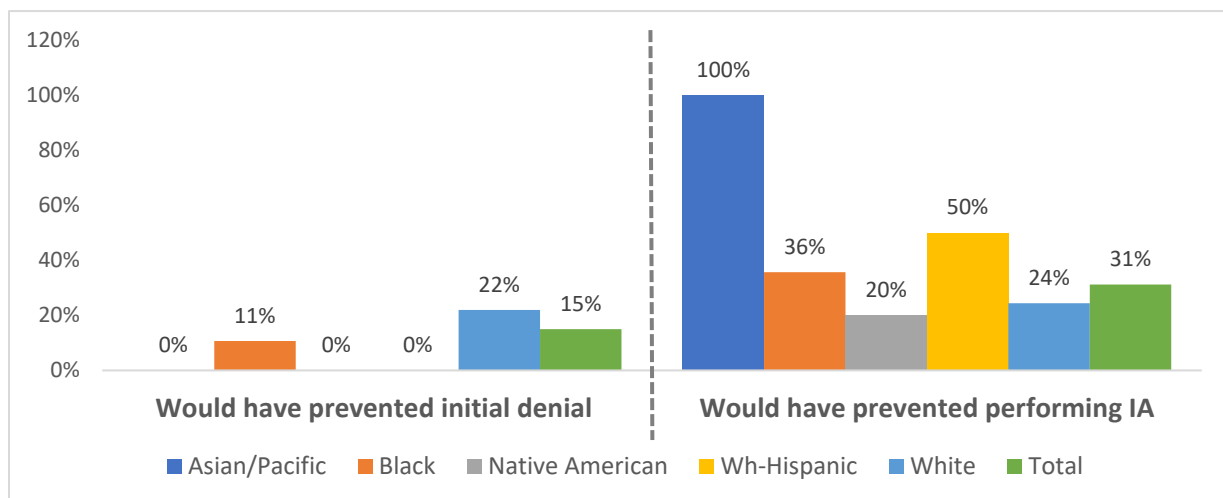
	Denial of Applicants with Criminal History			Denial of Applicants with Criminal History Alone		
	No Document	No criminal history	Total	No Document	No criminal history	Total
Asian/Pacific	1	0	3	0	-	2
Black/African American	7	2	37	4	-	18
Native American	0	1	6	0	-	2
White, Hispanic	1	0	5	1	-	4
White, Non-Hispanic	6	0	47	3	-	23
Total	15	3	98	8	-	49

Table 6. Share of Denied Applicants with Criminal History by Race/Ethnicity, Jan.2018-Apr.2020

	Current Policy			New Policy	
	Received initial denial	Upheld the initial denial after AI (%)	Final denial (%)	Would have prevented initial denial (%)	Would have prevented performing IA* (%)
Asian/Pacific	2	2 (3.2%)	1 (1.9%)	0 (0%)	2 (8.0%)
Black/African American	28	22 (35.5%)	23 (43.4%)	3 (25.0%)	10 (40.0%)
Native American	5	3 (4.8%)	4 (7.5%)	0 (0%)	1 (4.0%)
White, Hispanic	4	2 (3.2%)	2 (3.8%)	0 (0%)	2 (8.0%)
White, Non-Hispanic	41	33 (53.2%)	23 (43.4%)	9 (75.0%)	10 (40.0%)
Total	80	62	53	17	25

Notes. Initial denial here indicates the denial by the blanket denial period before going through IA. The new policy impact of "would have prevented initial denial" indicates the case of removal of blanket denial period or elimination of consideration of crimes. "would have prevented performing IA" impact implies the criminal history would not have impacted the outcome of their application due to the lowered IA lookback period.

Figure 7. Differences in Experiencing Changes in the Outcomes Under the New Policy Impacts by Race/Ethnicity (Some Criminal History)

<u>Finding 1. Advancing racial equity: Black with some criminal records indeed benefit from the new policy</u>

Black applicants accounted for 31% of total applications that would have been impacted for the new policy's screening process outcomes. 46.3% of all initially denied applications with some criminal records would benefit from the new policy by preventing initial denial or performing individual assessment (IA). 15% of the initial denials of the current applications with some criminal history would have prevented receiving initial rejections under the new criminal history screening criteria. In particular, 10% of Black applicants with some criminal record would not have been rejected due to the blanket denial period for crimes. Further, more than one-third of Black applicants with some criminal history would not have had to go through the IA process related to their criminal history. With all the new policy's impacts, almost half of Black applicants with some criminal record would not have received denial due to either falling under the blanket denial period or within the IA performing lookback period. This indicates the new policy would assist in lowering the barrier for Black applicants with some criminal history to advance racial equity.

Almost one-third of applications with some criminal records would have prevented IA if the new policy had been applied to the screening process. Under the new screening criteria of criminal history, all Asian/Pacific Islanders and half of the Hispanic White applicants would not have needed IA. Applicants of color with some criminal history account for half of the applications that the new policy would not have impacted the decision outcomes based on applicants' criminal records.

Table 7. Detailed Look at New Policy Impact for Denied Applicants with Criminal History by Race/Ethnicity, Jan.2018-Apr.2020

	Eliminated consideration*	IA should not have been performed**	Should not have received an initial denial, but still, IA required	No impact	Total
Asian/Pacific	0 (0%)	2 (100%)	0 (0%)	0 (0%)	2
Black/African American	2 (7.1%)	10 (35.7%)	1 (3.6%)	15 (53.6%)	28
Native American	0 (0%)	1 (20.0%)	0 (0%)	4 (80.0%)	5
White, Hispanic	0 (0%)	2 (50.0%)	0 (0%)	2 (50.0%)	4
White, Non-Hispanic	3 (7.3%)	10 (24.4%)	6 (14.6%)	22 (53.7%)	41
Total	3 (6.3%)	25 (31.3%)	7 (8.8%)	43 (53.8%)	80

Notes. * new policy eliminated consideration of crime, so no initial denial due to blanket denial would have placed with no IA would have been conducted.
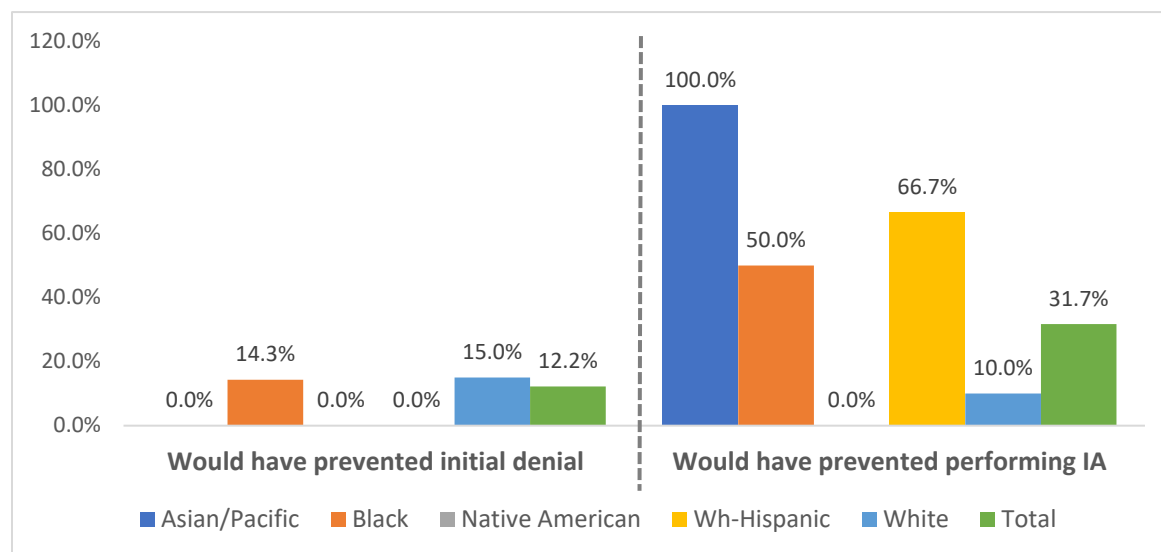** initial denial due to blanket denial has no change but lowered IA period would have resulted in no IA for the applications due to shorter lookback period.

According to the table with detailed impacts (Table 7), three applications with criminal records would not have impacted the decision outcomes of the screening process. Also, the new policy would have eliminated the need to perform an IA for 31.3% of applications with a criminal history due to the lowered period when an IA is necessary. In particular, half of the Black applicants with some criminal history would not have received blanket denials or denial from the IA results under the new policy.

Table 8. Share of Denied Applicants with Criminal History Alone by Race/Ethnicity, Jan.2018-Apr.2020

	Current Policy			New Policy	
	Received initial denial	Upheld the initial denial after IA (%)	Final denial (%)	Would have prevented initial denial	Would have prevented performing IA
Asian/Pacific	2	2 (6.7%)	1 (3.6%)	0 (0%)	2 (15.4%)
Black/African American	14	12 (40.0%)	11 (39.3%)	2 (40.0%)	7 (40.0%)
Native American	2	1 (3.3%)	1 (3.6%)	0 (0%)	0 (0%)
White, Hispanic	3	1 (3.3%)	2 (7.1%)	0 (0%)	2 (15.4%)
White, Non-Hispanic	20	14 (46.7%)	13 (46.4%)	3 (60.0%)	2 (15.4%)
Total	41	30	28	5	13

Figure 8. Differences in Experiencing Changes in the Outcomes for Applicants Under the New Policy Impacts by Race/Ethnicity (Criminal History Alone)

Almost 44% of initially denied applications with criminal history alone would benefit from the new policy. 12% of initially denied applications would have prevented initial denials. 14% of Black applicants with criminal history alone would not have been rejected due to the blanket denials as well as 50% of them would not have been through IA under the new policy. Especially, the benefit of the new policy is noticeable among the applicants of color

who would have prevented performing IA. Compared with non-Hispanic white applicants with criminal history only, the new policy definitely assists in reducing the denials of Black applicants with a criminal record.

Table 9. New Policy Impact on the Applicants with Criminal History Alone Who Received the Initial Denial Due to Blanket Denial Period by Race/Ethnicity

	Current Policy		New Policy
	Received initial denial	Falling under blanket denial period	Would have prevented initial denial due to eliminated blanket denial period
Asian/Pacific	2	0	0 (0%)
Black/African American	14	4	2 (50.0%)
Native American	2	1	0 (0%)
White, Hispanic	3	2	0 (0%)
White, Non-Hispanic	20	4	3 (75.0%)
Total	41	11	5 (45.0%)

Table 9 and Table 10 help illustrate the different ways the policy can impact an applicant's outcome by each step of the screening process involved with the criminal history. Table 9 particularly provides the impact of how many applications with criminal history alone would not have been considered under blanket denial. More than a quarter of denied applications with criminal history alone was due to falling under blanket period. If under the new policy with removed blanket denial period or eliminated consideration of crime, 45% of the initially denied application under the current policy would not have been rejected just because of the criminal records.

Figure 9. Differences in Experiencing Outcome Changes Due to Removal of Blanket Denial for Applicants with Criminal History Alone Falling Under the Curren Blanket Denial Period by Race/Ethnicity
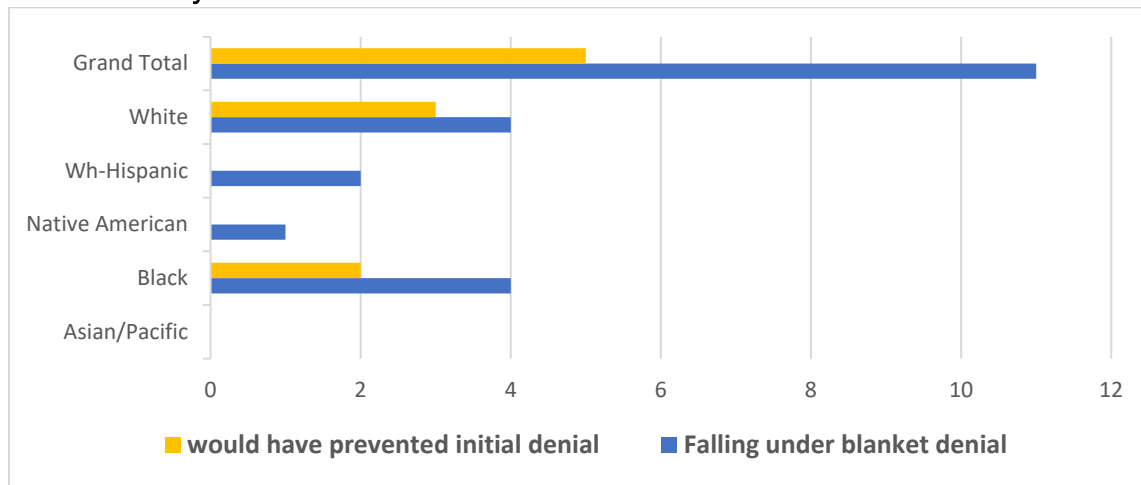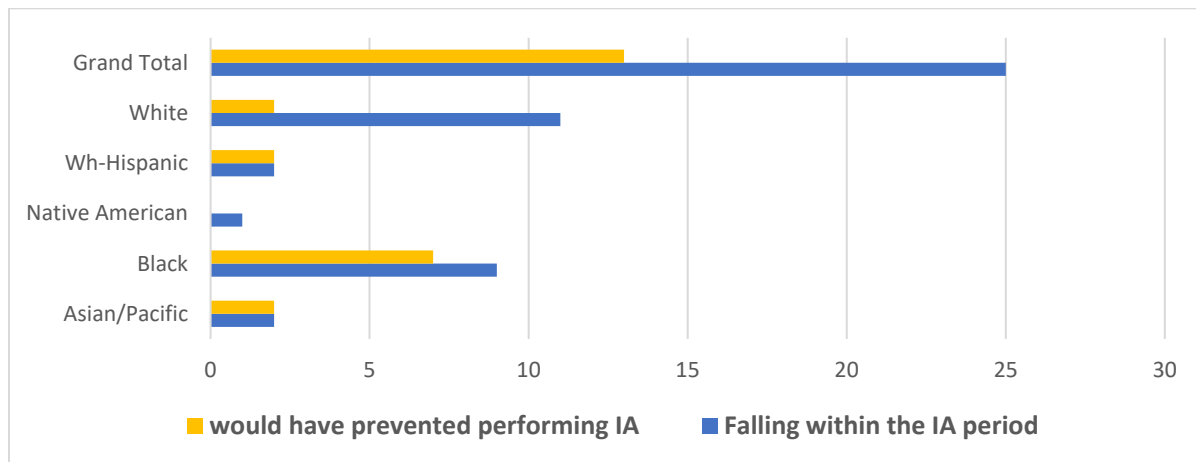

Table 10 illustrates the impacts of the new policy on performing IA for the applications that fell within the current lookback period. Among 42 applications that received an initial denial, 25 were required to conduct IA due to falling within the lookback period for IA. Applying the new lowered IA lookback period or eliminating IA by the new policy, more than half of the applications that were denied because of IA outcomes based on criminal records only would not have had to go through IA. Indeed, most applicants of color with criminal history alone would have benefitted from this policy change. 85% of applicants with criminal history alone who would have prevented performing IA were people of color.

Table 10. New Policy Impact on the Applicants with Criminal History Alone Who Went Through IA Due to The LookBack Period

	Current Policy		New Policy
	Received initial denial	Falling within lookback period for IA	Would have prevented performing IA due to lowered lookback period
Asian/Pacific	2	2	2 (100%)
Black/African American	14	9	7 (77.8%)
Native American	2	1	0 (0%)
White, Hispanic	3	2	2 (100.0%)
White, Non-Hispanic	20	11	2 (18.2%)
Total	41	25	13 (52.0%)

Figure 10. Differences in Experiencing Outcome Changes Due to Lowered IA Period for Applicants with Criminal History Alone Falling Within the Lookback Period by Race/Ethnicity

The information in Table 11 provides that Black applicants with criminal history only would have taken advantage of the new policy change the most, as 64% of Black applicants with criminal records alone would have been impacted by preventing performing IA or blanket denials.

Table 11. Detailed Look at New Policy Impact for Denied Applicants with Criminal History Alone by Race/Ethnicity, Jan.2018-Apr.2020

	Eliminated consideration*	IA should not have been performed**	Should not have received an initial denial, but still, IA required	No impact	Total
Asian/Pacific	0 (0%)	2 (100%)	0 (0%)	0 (0%)	2
Black/African American	0 (0%)	7 (50.0%)	2 (14.3%)	5 (35.7%)	14
Native American	0 (0%)	0 (0%)	0 (0%)	2 (100%)	2
White, Hispanic	0 (0%)	2 (66.7%)	0 (0%)	1 (33.3%)	3
White, Non-Hispanic	1 (5.0%)	2 (10.0%)	2 (10.0%)	15 (75.0%)	20
Total	3 (2.4%)	13 (31.7%)	4 (9.8%)	23 (56.1%)	41

Notes. * new policy eliminated consideration of crime, so no initial denial due to blanket denial would have placed with no IA would have been conducted.
** initial denial due to blanket denial has no change but lowered IA period would have resulted in no IA for the applications due to shorter lookback period.