

CRIMINAL BACKGROUND AND THE ADMISSIONS
PROCESS: A REVIEW OF MANAGEMENT POLICIES
AMONG AFFORDABLE HOUSING PROVIDERS IN LOS
ANGELES COUNTY

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I. INTRODUCTION

A. Need Statement

As the need for affordable housing continues to swell, there is a parallel concern that sufficient access to such housing has become increasingly out of reach for society's most vulnerable populations (e.g., persons who are homeless, disabled, or discharged from public systems of care). In Los Angeles, where rents and home prices surpass most other cities in the U.S., the ability for these populations to access safe and decent affordable housing is extremely limited. In the private rental housing market especially, where competition is fierce and demand exceeds supply, there is little question that only applicants with the most unblemished housing and financial histories can expect to satisfy a landlord's screening criteria or fulfill the image of what a desirable tenant should represent.

Indeed, the backdrop for this study is rooted in emerging research that documents a troubling relationship between homelessness and the criminal justice system. In New York City, a recent study tracked almost 50,000 individuals who were released from New York State prisons and returned to New York City between 1995 and 1998. Eleven percent of these individuals entered a city homeless shelter, and 33% of that group was re-incarcerated within two years of their discharge. Perhaps most alarming, over half of those who entered a shelter did so within one month of release from prison. (Metraux & Culhane; as cited in Re-Entry Policy Council, p. 257). Unfortunately there is not as comprehensive or comparable a study in Los Angeles, though a recent assessment of the emergency shelter system in Los Angeles County found that approximately 4% of Winter Shelter and Year Round program participants identified jail or prison as their most recent living situation (Shelter Partnership, 2005).

These findings may seem less startling given the sheer volume of persons who enter and exit local corrections facilities each year. For instance, the numbers of inmates in California has been steadily increasing; the state experienced a seven-fold increase in the prison population between 1980 and 2000 (Little Hoover Commission, p. 5). In fact, one in five of the country's parolees live in California while Los Angeles County has the highest number of ex-offenders on parole in the United States (Liberty Hill Foundation, pp. 1 & 13). It is hardly surprising therefore that more and more persons are finding nowhere to turn to but the streets or shelters upon their release from the system.

Such statistics present profound concerns to the public systems of care that are responsible for effectively planning for the discharge of their consumers. The threat of recidivism for post-incarcerated persons is legitimate, as shelter use, both before and after incarceration, has been associated with an increased risk of return to prison (Metreaux & Culhane). Thus the link between stable housing

and recidivism has garnered increasing attention among policymakers who are under pressure to pursue cost-effective alternatives (e.g., permanent supportive housing) to expensive episodes of incarceration, emergency room visits, and psychiatric hospitalization.¹ The Los Angeles County Board of Supervisors, for instance, created a work group in January 2005 to review the impact of county policies and procedures regarding the discharge of at-risk and homeless persons from county institutions.²

As noted above, the limited ability of persons with criminal histories to access affordable housing is inseparable from the larger issue of housing affordability. With the overwhelming demand and limited supply of affordable housing, the stigma of having a criminal record, not to mention a history of jail or prison time, remains a significant (if not insurmountable) barrier for a population already in competition with others in need of such resources. Yet, there are also other factors, such as federal and local policies, that serve to further mitigate access to and in certain cases exclude this population from the resource they arguably need most.

For instance, the U.S. Department of Housing and Urban Development (HUD) in 1996 instituted the “One Strike and You’re Out” policy, that requires all public housing authorities (PHAs) or federally-assisted housing providers to deny housing to a variety of populations, such as those:

- previously evicted from public or federally-subsidized housing for drug-related criminal activity;
- subject to lifetime registry under state sex offenders registration programs;
- convicted of methamphetamine production on public housing premises;
- currently abusing alcohol in a manner that interferes with the health, safety, or peaceful enjoyment of the premises by other residents; and
- currently using drugs.

And even beyond housing access, certain federal policies impact tenancy. Current federal housing law allows PHAs to terminate the lease of households where any household member’s drug use, alcohol abuse, or criminal behavior threatens other residents. Despite substantial local discretion in implementing these policies, these statutes continue to provide authority for local housing

¹ Supportive housing is affordable housing that is enriched with on-site or easily accessible services that are made available to residents.

² This work group, composed of representatives from the county’s health and human service agencies, is considering a number of modifications to existing county practices, such as: (1) development of general discharge guidelines with common elements applicable to all departments that discharge clients; (2) implementing discharge planning /exit interview process for homeless CalWORKs families to provide them with linkages to appropriate services, including housing, prior to termination; and (3) exploring the development of legislative changes that may be required to address legal barriers in relation to housing stock, rental subsidies, and inmate’s rights.

agencies to make wholesale rejections of the application by persons with certain criminal histories. Further research is warranted to understand more comprehensively the extent to which public housing evictions have been affected by the “One Strike” policy.

The contribution of the nonprofit housing provider community is therefore a central component in facilitating the transition of individuals returning to the community from prison, or those simply trying to become or remain self-sufficient in light of previous contact with the criminal justice system. These programs tend to serve low, very-low, or extremely low-income populations, who can be homeless upon program entry, and in many cases living with special needs, such as chronic health conditions, mental illness, or HIV/AIDS. They can assist the individual to access public benefits that may improve their income and allow them to afford the upfront and ongoing costs of rental housing. These programs can also assist the individual to access supportive services that address other immediate and long-term needs. Moreover, since many nonprofit landlords are mission-driven to serve low-income and disadvantaged persons, they may be more willing to accept persons with criminal histories than would operators of federally assisted housing or even other private landlords (Re-Entry Policy Council, p. 276).

Within this context, the following study sheds light on the role and impact of criminal histories during the affordable housing admissions process. With such scant attention paid to this topic to date, this study represents an important foundation from which to build a richer understanding of how nonprofit affordable housing providers approach this issue and the reasons why.

B. Study History

In 2004, Shelter Partnership secured a grant through the Butler Family Fund to research the barriers that ex-offenders face in finding and securing affordable permanent housing. This initiative grew from various sources: (1) increasing attention in the public sector, particularly the homeless services arena, that public systems of care have been discharging their consumers without stable and appropriate housing destinations; (2) research findings indicating that efforts by ex-offenders to achieve self-sufficiency are hampered by untreated health and psychiatric disorders and insufficient access to education, employment, and housing options; and (3) recent changes in federal housing law, which narrowed the types of offenses considered acceptable by agencies using federal housing resources.

As research has also indicated that access to permanent, affordable housing is the most important intervention in ending homelessness, it is clear that any attempt to address the barriers this population faces needed to focus dually on two tracks: advocate that local housing authorities consider easing their approach to applicants with criminal histories during eligibility determinations;

and surveying local nonprofit affordable housing providers in Los Angeles County to comprehend their screening practices as they relate to requesting or using criminal background information.

It is the latter of these two tracks that in essence became the framework for this study. Through this study, which was rather exploratory in nature, we hope to create a foundation from which we can begin to propose strategies for overcoming the barriers that make ex-offenders unsuccessful participants in housing programs and offer something tangible that evidences the need for more research on this topic.

C. Methodology

To better understand the role that criminal background information assumes during the screening of prospective affordable housing tenants, Shelter Partnership decided to interview 18 local nonprofit affordable housing providers for this study. In an effort to create a diverse sample of agencies, Shelter Partnership selected participating agencies from the 2004 Southern California Association of Non-Profit Housing (SCANPH) Directory, with particular interest in ensuring that the sample included agencies located throughout Los Angeles County as well as those that may not traditionally be seen as affordable housing developers or operators.

Of the 18 agencies selected, three declined to participate or could not schedule interviews during the study period.³ The remaining 15 agencies were:

- A Community of Friends
- Beyond Shelter
- Dunbar Economic Development Corporation
- East Los Angeles Community Corporation
- Esperanza Community Housing Corporation
- Hollywood Community Housing Corporation
- Los Angeles Community Design Center
- L.A. Housing Partnership
- LINC Housing Corporation
- New Economics for Women
- SRO Housing Corporation
- Skid Row Housing Trust
- Venice Community Housing Corporation
- West Angeles Community Development Corporation
- West Hollywood Community Housing Corporation

³ This includes the sole San Fernando Valley housing provider originally selected for the interview process who declined to participate.

Since the study was exploratory in nature, and because so little data is available on the topic of accessible housing for ex-offenders, the questionnaire and the interviews were designed to elicit in-depth and variable responses, rather than easily quantifiable data.

Interviews occurred during spring 2005, when the primary investigator met with the executive director, asset manager, CEO, or other individual heading the housing program and conducted an in-person interview based on the questionnaire (see Appendix A). Recordings were made with the permission of the person(s) being interviewed. The subsequent transcriptions from the respective interviews represent the primary data source for this report.

Prior to each interview, agency representatives were given a basic explanation of the study, including the name of the sponsoring organization, but the primary focus of the study was withheld. All questions were asked in the order on the questionnaire.

When a question was designed to elicit a “yes” or “no” response, the researcher encouraged the interviewee to expand upon the response. Often, during the course of the explanation, the interviewee would provide information that reflected on the original yes or no answer, but would then appear to contradict the original “yes” or “no” answer. In those situations, when the narrative response differed from the initial response, the narrative answer was considered to be the final and more definitive reply.

Because of the nature of the study design, the sample size is relatively small and, as indicated earlier, not random. Due to these characteristics, results of a larger investigation could prove substantially different than those discussed in this report. As a result, these data should be considered strictly preliminary, a basis for further investigation and exploration, rather than a firm and final determination.

II. ORGANIZATIONAL PROFILES

A. Portfolios

Survey participants were initially asked to identify the number of housing units they own or operate, followed by those that are in construction and/or development. The 15 participating agencies reported a combined 15,345 housing units in their ownership or operation. Of these, 4,901 (32%) were for individuals with special needs.⁴

A total of 944 units were under construction at the time of the interview. Of these, 67 (7%) were for individuals with special needs. Further, of the 1,018 units in development, just 35 (3%) were labeled as special needs units (see Appendix B).

B. Agency Types

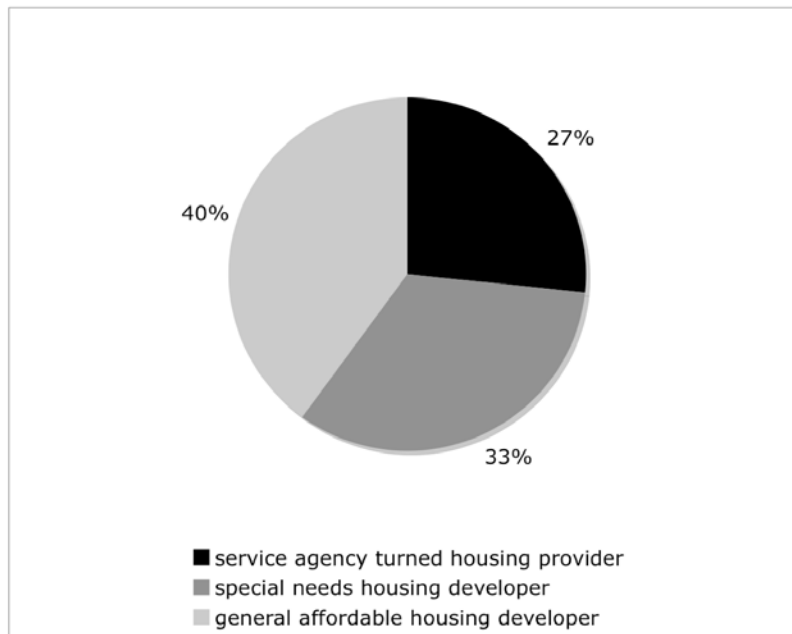
As noted in the study methodology section, survey participants were selected in part based on their experience and identity as a housing provider. The survey sample was chosen to represent an array of housing agencies that reflect the continuum of housing developers and operators in the county.

Generally, the sample can be categorized in three areas: (1) agencies who have experience developing affordable housing for special needs populations; (2) affordable housing developers whose mission or focus is not necessarily on persons with special needs; and (3) agencies whose missions are rooted in pursuing community or economic development activities, or providing supportive services, but who have accepted the development and provision of housing as an important aspect of their program delivery. These categories are useful because they indicate the origins, missions, and business style of the agencies that contributed to the study.

The majority (40%) of the agencies surveyed were general affordable housing developers, followed by special needs housing developers (33%), and service agencies turned housing providers (27%) (see Figure 1) (see Appendix B).

⁴ Because the definition of special needs varies, Shelter Partnership developed a general definition for specific use in this study. Please see Appendix C for a complete list of populations included in this category.

Figure 1: Agencies by Type



C. Property Management Structure

Interviewees were asked to address the means through which their properties are managed, and specifically to identify the party responsible for that activity. Within the affordable housing industry, property management structure varies significantly, as some housing providers opt for third-party entities, while others have chosen to establish internal divisions (e.g., “in-house” model) within their organization to handle such matters. In certain cases, providers use a combination of both, where one development may be “self-managed,” while another is managed by a third-party.

Property management structure is an important topic for several reasons. For example, there is an ongoing debate about which of these structures is more effective, especially in supportive housing properties with special needs tenants who may require a supportive service provider to assist them in addressing their needs and meeting the terms of their leasing agreement. In these cases, there is the potential for tension between the service provider and the property manager, whose core missions can conflict, although both share the overall goal of ensuring that residents meet their obligations of tenancy. As is often the case in supportive housing buildings utilizing third-party management, housing providers use screening interview teams, usually comprised of a representative from the property manager, support services team, and possibly a tenant, to assess an applicant’s ability to meet the terms of the lease. For example, a well-known supportive housing provider that participated in this study, Skid Row Housing Trust, indicated that every “every single individual that comes into our buildings has to sit for an interview...conducted by the property management and the case manager for that particular property.”

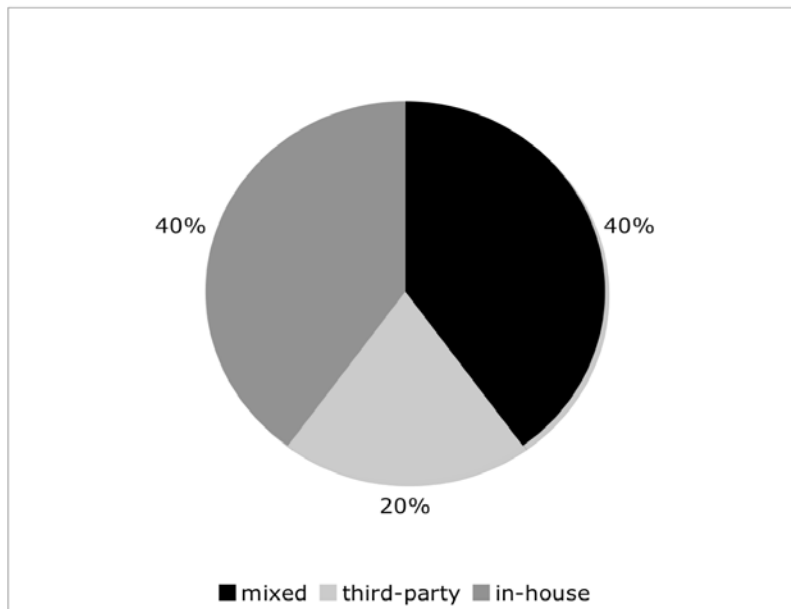
Property management also has a clear responsibility to develop objective criteria to assess an applicant's qualifications to meet the essential obligations of tenancy. Determining the criteria and methods associated with screening prospective tenants, such as those concerning criminal backgrounds, is therefore central to the function of property management and can be a source of tremendous influence for a third-party management firm.

With the third-party approach, for instance, the property management is inherently afforded more authority over the admissions process than perhaps would be displayed under the in-house model. Such a devolution in housing operations could have serious implications for housing accessibility for applicants with criminal histories. This structure may not ensure that the agency's values and philosophy will be readily apparent or practiced in the various facets of property management functions that occur at the facility. The structure could also result in a more standardized and ultimately more prohibitive approach to screening applicants with criminal histories because large-scale property management agents tend to rely on more universal management policies which may or may not be tailored to the specific needs of the tenant population.

Although only 40% of the agencies in the study relied exclusively on in-house management, 80% (including those relying exclusively on in-house management) managed at least some of their units internally.⁵ Only 20% of agencies used strictly third-party management agents. Notably, West Angeles Community Development Corporation, who makes arrangements with an outside firm to manage their properties, expressed during the interview that they are in the process of taking over management functions for all 400 of their units within the next three years. They were the only participant to indicate such a change (see Figure 2).

⁵ In-house management includes agencies that established their own management company through a separate 501(c)(3) or a limited partnership.

Figure 2: Property Management Structures



For the most part, participants expressed a certain distance from the daily responsibilities of property management functions, with the notable exception of unlawful detainer proceedings, in which case they retain an inherent degree of authority. Yet, the level of oversight on the part of the building owner varied. LINC Housing, who contracts with outside entities to manage their properties, mentioned that they review every single income certification when a project is leasing-up. Nevertheless, respondents who managed their own properties were unanimous in reiterating that major property management decisions, such as those concerning compliance and eviction, ultimately come before their executives.

III. SCREENING METHODS

A. The Admissions Process

The process of securing affordable housing typically requires the completion and submission of an application to the local public housing agency (PHA) or directly to the housing owner. Often times, due to the shortage of and high demand for such housing, applicants are placed on waiting lists, which can endure for well over one year or more. Every agency except one indicated that they have a waiting list for housing. Some agencies, such as SRO Housing Corporation, LINC Housing Corporation, and Venice Community Housing Corporation reported that their waiting list exceeded 100 applicants; other agencies defined their waiting list in terms of months.

Depending on the owner and the type of property they are making available, there are various means employed within the affordable housing industry to assess an applicant's ability to comply with the terms of the leasing agreement.⁶ As a whole, these screening tools tend to concentrate on the applicant's eligibility, usually determined by the funding sources supporting the development, and other requirements of tenancy as expressed in the lease (e.g., pay rent in a timely manner, respect personal and property rights, care for and avoid damaging the unit and common areas, etc.).⁷ In certain cases, such as in supportive housing developments, applicants may also participate in a screening with support services team members to identify any medical, psychological, and/or behavioral issues that may further the determination of whether the prospective tenant is appropriate for that particular housing development.

For persons with criminal histories, the screening process can certainly work to their disadvantage, and not only because of the particular offense(s) committed. Depending on the nature of the crime(s), especially serious drug and/or violent offenses, there is also a strong chance that applicants with criminal records will not be able to demonstrate a positive credit report or housing history, two considerations that are carefully weighed during screening. For example, New Economics for Women based eligibility partially on credit history in addition to criminal background. Similarly, West Hollywood Community Housing Corporation requires that applicants have three years of recent rental history, which will "eliminate any people that have spent any of the past three years in jail."

⁶ In market-rate housing, admissions determinations are more concentrated on credit reports and landlord references.

⁷ The following documents are generally needed in applicant interviews to verify eligibility: (1) application for housing; (2) homelessness verification letter (if applicable); (3) disability verification (if applicable); (4) household income verification; (5) identification; (6) comment sheet; (7) application checklist; and (8) unlawful detainer report.

This information gathered from these two agencies reveals that although some agencies do not rely exclusively on criminal background checks to determine eligibility, their other eligibility criteria, in this case financial credit or rental history, can be just as damaging to ex-offenders as the criminal record itself.

B. Admissions Policies

Because each agency is unique in its mission and organizational structure, housing program admissions policies vary widely. Although funding sources and federal, state, and local guidelines dictate certain admissions criteria, many are created by the management agent. Some agencies employ formal written policies while others rely on informal policies.⁸

Of the 15 agencies surveyed, 12 (80%) had a formal admissions policy. Participating agencies indicated that their admissions policies were embodied either as part of the lease, in regulations governing public financing, in marketing plans, in documents maintained by the property management company, in different documents for each building run by the agency, or in one complete document for all of an agency's facilities.

One-third of the agencies with a formal policy update their policy at least annually and one-third, including those who update annually, make changes to their admissions policy when they begin a new project or when government guidelines are updated. By constantly updating their admissions policies, these agencies are able to adhere to their missions and work to accommodate their target populations. Such responsiveness was evident with West Angeles Community Development Corporation, who is constantly reviewing their turnover rates (and reasons) and rental requirements to ensure that their admissions policies are not overly restrictive to members of the community who are trying to "get back on track." Only one agency with a formal policy claimed to never update their admissions guidelines.

As mentioned previously, property management structure differed tremendously among the survey participants and may have an impact on policy creation and admissions criteria. For the majority of agencies, the entity which manages the property is also responsible for maintaining admissions criteria. Those agencies that utilize in-house management rely on agency staff, such as the executive director, an asset manager, or a director of property management to maintain the admissions policy. In contrast, agencies who rely on both in-house and third-party entities for property management must collaborate to meet their property management responsibilities. Finally, the majority of those organizations relying solely on third-party property managers have an asset manager or another agency staff person work with the outside management company on admissions policies. The high levels of involvement among agency staff in maintaining

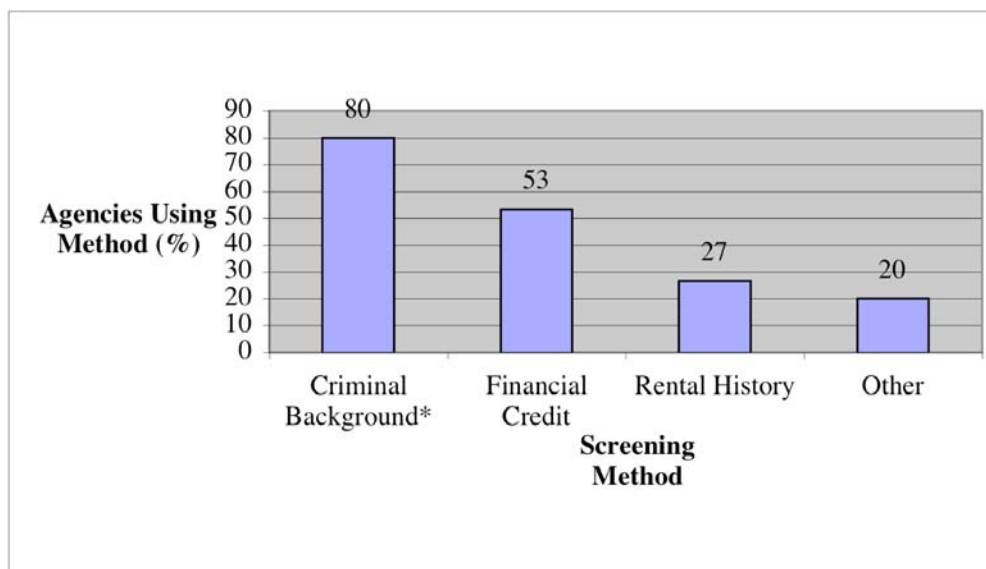
⁸ For the purposes of this study, a formal policy is considered a written admissions policy.

admissions policies, even when the agency's property is managed by a third-party, may allow the agencies to advocate for their clients and make their agency mission clear to third-party managers.

C. Methods and Considerations

The agencies participating in this survey employed a variety of different mechanisms to screen housing applicants. The three most common techniques were criminal background checks, utilized by 80% of respondents, followed by credit or finance checks (53%), and rental history (27%).⁹ Since participants were not directly asked if they check financial and rental history, and those that offered this information did so without being solicited, it is likely that more agencies than reported in this study utilize these screening mechanisms. Agencies in general reported moderate satisfaction with the three tenant screening techniques above as means of screening out applicants who were not eligible or appropriate to the development or housing type in question (see Figure 3).

Figure 3: Agency Screening Methods



*Includes agencies that conduct (or contract for) a formal criminal background check and those who ask applicants to self-disclose criminal history on the rental application.

Though the role of criminal backgrounds in the housing admissions process is the subject of the next chapter, it is worth discussing in greater detail the additional methods and some other eligibility determinations made by the

⁹ A criminal background check means obtaining and/or verifying information on a person's criminal background in some fashion, either directly (or through a third-party), or simply asking an applicant to self-disclose such information during the rental application. An agency was considered to conduct criminal background checks if the company managing the property conducts the checks.

housing provider. One respondent, West Hollywood Community Housing Corporation (WHCHC), noted that their interest and orientation towards serving persons with HIV/AIDS has led them to devalue or even avoid considering credit history since their tenant applicant pool has witnessed their credit records decline once they acquired HIV. Instead, they rely solely on rental history, requiring the applicant to demonstrate three years of having successfully rented elsewhere.

In addition to screening methods, mention of additional admissions requirements, such as sobriety and engagement with or referral from social services, recurred throughout the interviews and offers important insight into other factors that impact housing accessibility, particularly in supportive housing developments. First, the issue of sobriety as a condition of program admissions remains a contentious topic, given the relatively high levels of drug and alcohol abuse that are reported among the homeless. Yet, 27% of survey respondents indicated that sobriety is a program requirement for at least some buildings, including two that reported a specific duration of time (e.g., 6 months).

In contrast, at least one respondent made it very clear that they do not run “clean and sober living environments.” According to this provider, so long as the tenant is “using behind the privacy of their own door...not bothering their neighbors and...paying their rent on time, and taking care of their apartment,” they would be considered compliant with their leasing agreement and not subject to any attention or action on the part of the building owner or management.

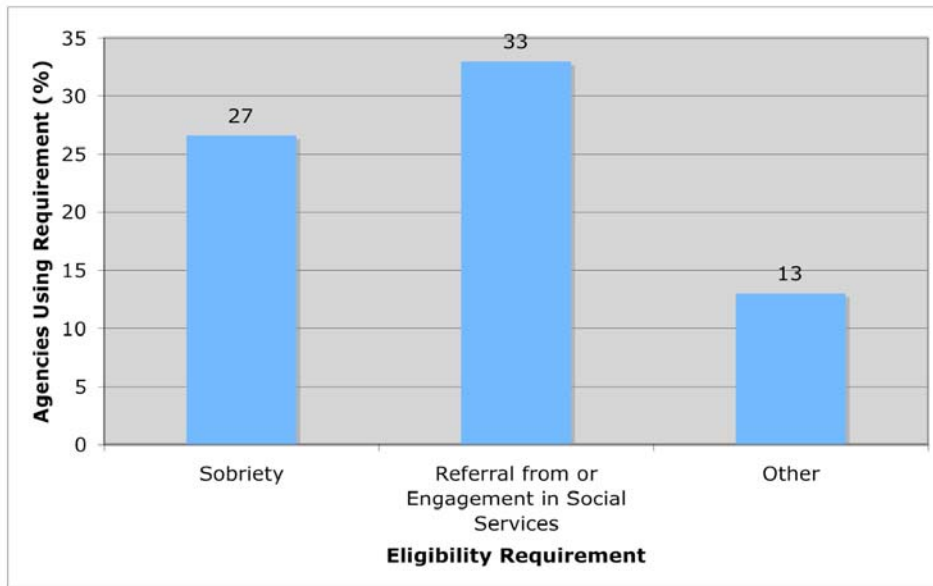
On the other hand, 33% of agencies required that incoming tenants, primarily those with special needs, be referred from a social service provider and/or remain connected with social services upon entering the housing program. Most often, this condition meant participating in case management services or other services specific to a type of disability or special need. However, there were notable variations within this broader requirement of being engaged with supportive services. For example, Venice Community Housing Corporation requires that tenants in certain programs enroll in a substance abuse recovery program. Another agency that serves clients with mental illness required that clients be referred from a mental health service provider. While at least two additional agencies recommended or strongly urged clients to engage in social services, they did not require supportive service engagement for admissions. One agency that required engagement or referral from social services only did so for special needs clients.

In addition to sobriety and social service requirements, 13% of agencies mentioned other related admissions considerations. Esperanza Community Housing Corporation, who appeared within the sample to be on the more restrictive side of admissions determinations, screens applicants for “drugs, alcohol, gang [activity], excessive noise, [and] disturbance (which covers spousal abuse)...in addition to a previous record of nonpayment of rent.” They were also one of two agencies that employ (or are considering) home visits as part of their

screening, as a means to assess the cleanliness and condition of the applicant's current unit.

In other instances, an agency noted that applicants must demonstrate a "working history" in order to meet their admissions terms. Still another agency, in this case a general affordable housing developer, mentioned that in order to be eligible for one of their permanent housing properties serving formerly homeless persons, applicants must have been in transitional housing for at least 12 to 18 months (see Figure 4).

Figure 4: Applicant Eligibility Requirements



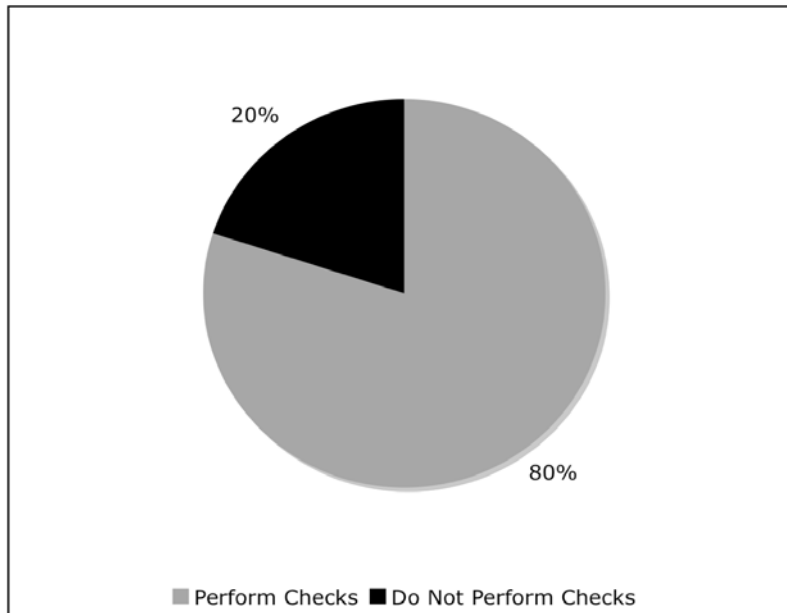
IV. CRIMINAL BACKGROUNDS AND ADMISSIONS

Due to the purpose of this study, agencies were asked during the interviews to respond to a series of questions related to the use of criminal background information during the screening process. Survey participants were asked initially if they have policies or guidelines concerning housing persons with criminal histories, and specifically if they seek such information from prospective tenants at the time of application. For the purposes of this study, an agency is considered to have a policy if they have made a decision on how to approach housing for those with criminal backgrounds.

A. Method Used to Obtain Criminal Background Information

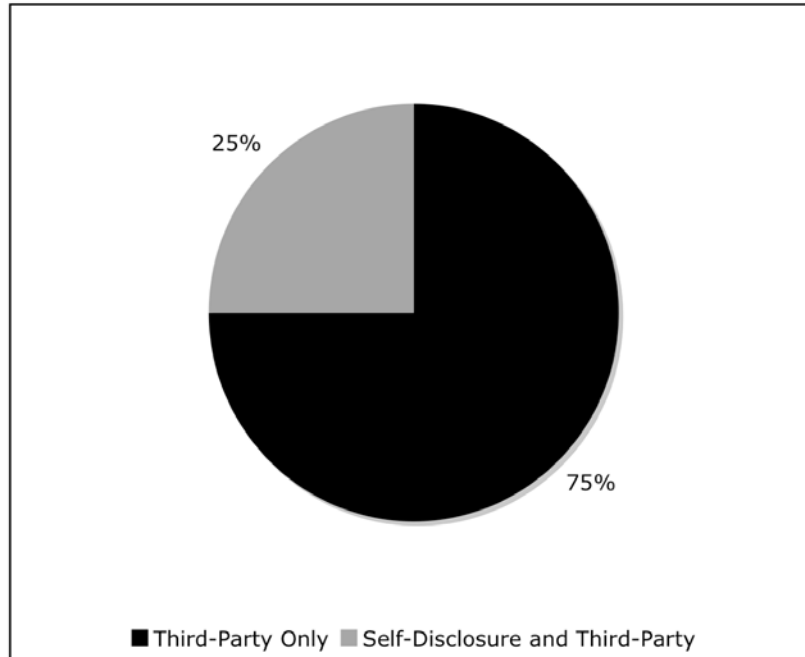
Based on the survey results, approximately 80% of respondents reported that they perform criminal background checks for at least some of their buildings. It is likely that the 20% of agencies that reported that they do not conduct background checks actually may conduct checks. For instance, an agency reported not conducting criminal background checks, but later indicated excluding certain types of offenders from their properties. This apparent contradiction suggests that these agencies employ some means to obtain criminal histories on their housing applicants. For the purposes of this report, these agencies are included in the 20% who do not conduct criminal background checks (see Figure 5).

Figure 5: Agencies Conducting Criminal Background Checks



Of the agencies that conduct criminal background checks, 75% use a third-party to do so and 25% ask for self-disclosure on the application in addition to conducting a third-party check (see Figure 6).

Figure 6: Types of Criminal Background Checks Conducted



Forty percent of agencies that conduct criminal background checks do so for all buildings, while the remainder only conduct checks for certain buildings, such as screening for Megan’s Law reportees for family developments.¹⁰

B. Types of Criminal Offenses

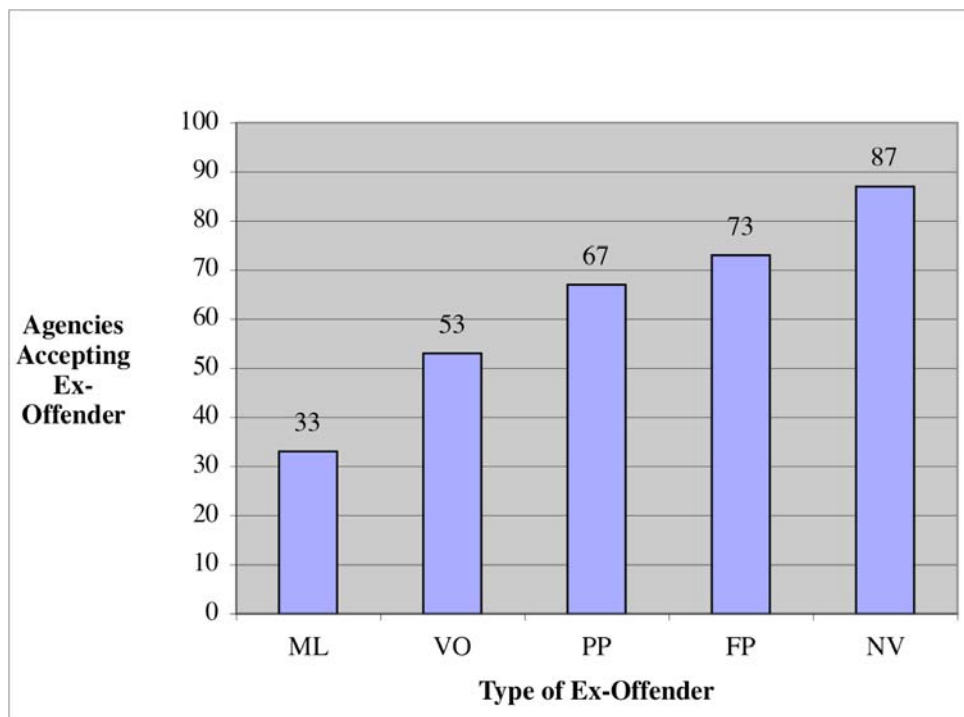
Agencies that used criminal background checks were far more likely to exclude individuals who had committed certain types of offenses. However, not all agencies that performed checks used them in determining who could live in their housing developments. The following details the types of offenses that study participants considered acceptable in their properties:

- **Megan’s Law Reportees:** The crime of greatest reported concern was a sex offense subject to Megan's Law reporting. Only 33% of agencies indicated that they accept such reportees and only in single room, non-family housing.

¹⁰ Megan’s Law is a federal mandate that certain sex offenders register as sex offenders, that counties be notified of child sex offenders residing in their jurisdiction, and that residents have access to information about sex offenders living in their county.

- **Violent Ex-offenders:** Understandably, violent crime was a common concern for housing providers. Only 53% of agencies accept violent ex-offenders.
- **Ex-offenders on Probation or Parole:** Sixty-seven (67%) percent of agencies accept ex-offenders on probation or parole.
- **Ex-offenders Formerly on Probation or Parole:** Seventy-three (73%) percent of agencies accept ex-offenders formerly on probation or parole.
- **Non-violent Ex-offenders:** Non-violent ex-offenders were of least concern, accepted by 87% of agencies (see Figure 7).

Figure 7: Types of Ex-offenders Considered Acceptable¹¹



ML = Megan's Law reportees
 VO = violent ex-offender
 PP = on probation or parole
 FP = formerly on probation or parole
 NV = non-violent ex-offender

For many agencies, a criminal history did not prevent an applicant from securing housing. Others only took a criminal background into consideration for certain buildings. For example, several agencies indicated that an ex-offender required to register under Megan's Law was excluded from family buildings, but not from single-room occupancy housing.

¹¹ Two agencies did not indicate which types of ex-offenders they accept.

Fourteen out of fifteen agencies interviewed reported that they review each applicant, including those with criminal backgrounds, on a case-by-case basis and make decisions based on a variety of factors including the type of crime, pattern of behavior, age when crime was committed, and time passed since the crime was committed. This finding is very encouraging, and suggests a certain pragmatism within the industry to balance the due diligence associated with housing development and operations, with the need to embrace individuals who are at obvious disadvantage in securing market-rate housing.

West Angeles Community Development Corporation, for example, was amenable to housing someone with a drug offense record who was “going through some counseling and was trying to straighten things out.” At the same time, they expressed conditions on this approach, and seemed averse to accept an applicant with a long history of drug offenses but who demonstrated little if any intervention on their part to “rectify the situation.” L.A. Housing Partnership, who also reviews criminal history information on a case-by-case basis, echoed sentiments from other respondents in emphasizing not only the severity of the crime, but also the “history of the individual since the incident occurred.”

Perhaps the approach taken by Venice Community Housing Corporation typifies the sort of tolerance during admissions that resonated among all survey participants. As another agency that assesses applicants on a case-by-case basis, they made clear that a felony or criminal conviction was not grounds alone to reject someone from housing.

We work with the Community Development [Department], so a significant amount of the work we do is with youth with criminal backgrounds. We employ them, train them, and are sympathetic to the reality that there is a whole segment of the population that has become criminalized through their culture. If we were made aware of a felony or a criminal conviction, it would not result in an automatic elimination from consideration. We would want to know if it would affect their current ability to be good tenants.

- Venice Community Housing Corporation
April 5, 2005

Almost half of the agencies also indicated that they would make exceptions for ex-offenders with mental or physical disabilities on a case-by-case basis. In fact, when asked if allowances are made for people with a disability and a criminal background, one agency replied “If we didn’t, we wouldn’t have any people in our buildings.”

Although agencies specified which types of ex-offenders they would accept into their housing developments, some agencies noted exceptions within these categories. For example, Beyond Shelter accepted both violent and non-violent ex-offenders, but do not accept those convicted of arson. Two other agencies that accepted violent and non-violent ex-offenders specified that some drug

offenses would render an applicant ineligible for housing. Furthermore, Hollywood Community Housing Corporation accepted non-violent offenders, but stipulated that applicants must wait seven years after committing an offense to apply for their housing.

V. FACTORS INFLUENCING ADMISSIONS POLICIES

A. Overall Admissions

A principal aspect of this study was determining among the survey respondents the various factors that influence admissions policies, particularly those concerning criminal background screening. Gaining a better understanding of these factors could prove valuable in assessing which factors are within the control of the housing provider and which factors are imposed by outside entities. In addition, such information can better inform the types of outreach, education, and advocacy that would be most effective in promoting changes to admission policies among local nonprofit affordable housing providers.

To this end, respondents were asked to discuss how their admissions policies were developed, and specifically what factors were used in making admissions decisions. The most frequently cited influences on policy development were the agency's board of directors, its past experiences (i.e., complaints, lawsuits, and evictions), and its mission. Property management structure was also a substantial influence.

Other influential factors reported by survey respondents included funders, resources, partnering agencies, the community, insurers, and residents. Community attitudes seem to affect some agency's policies more than others. For example, East Los Angeles Community Corporation stated, "We have experienced such strong anti-affordable housing sentiments in the community that we are very strict to impose the lease terms." Pressure from community members can affect the types of activities and tenants that are acceptable in a housing development.¹²

B. Use of Criminal Background Information

Agencies were not specifically asked to describe the factors that influence the use of criminal background information during the screening process. However, survey participants were provided a series of questions on the topic of criminal background checks and, in certain cases, they offered valuable information about the reasons behind their approach to housing persons with criminal histories.

Most reasons for running background checks that were offered during the interviews appeared to be linked to some sort of regulatory provision that mandated criminal background screening, or insurance requirements that limited access to certain types of ex-offenders. Several agencies described criminal

¹² The practice of opposing housing developments serving low-income, disabled, and/or homeless persons—often referred to as NIMBYism (Not In My Backyard)—is a widespread phenomenon among neighborhoods that fear that affordable housing programs will have an adverse impact on the property values of proximate homes, on the incidence of violent and property crimes, and on the quality of life in their communities.

background checks as a prerequisite to participate in the federal Section 8 Housing Choice Voucher program. Agency representatives also voiced concern about ex-offenders convicted of arson and noted that they are often excluded from housing for insurance reasons. Insurance policies generally do not allow housing providers to rent to individuals who have been convicted of arson. According to some housing providers, such as Hollywood Community Housing Corporation, insurance policies also determine to some extent which types of ex-offenders, in addition to arsonists, may be allowed in a housing development.

Admissions determinations as they relate to criminal history are also the product of valid concerns by other tenants, neighbors, and in some cases local policymakers, about the impact of accepting ex-offenders. Concerns included safety of other residents, safety of the housing unit and development, and local crime rate. East Los Angeles Community Corporation, for instance, recalled a recent development project that succumbed to such pressure. After significant “community outreach and through the intervention of the councilperson,” they agreed to conduct criminal background checks on all the applicants. Ironically, despite this concession, the interviewee later mentioned that though “we promised to do these background checks...we didn’t develop the policy for what we were going to do with the information that we uncover.”

Property management structure may also influence policies on criminal background. Out of the four agencies that accept every type of ex-offender, three of them relied exclusively on in-house management. This finding suggests that admissions practices among agencies with in-house property managers may be more inclusive than those of agencies with mixed or third-party management.

On the other hand, our research found little evidence to support the notion that project partners and/or funders are the driving force behind the shaping of admissions policies for applicants with criminal histories. In fact, when Dunbar Economic Development Corporation was asked whether these entities are reluctant to house this population, their simple response was, “No, not in this community.” Similarly, Skid Row Housing Trust replied, “Our investors want to house ex-offenders.” SRO Housing Corporation also declined to assert that such influences were a factor in their admissions policies, but were hesitant to accept offers to develop housing targeting this population for fear that this would be “pushing the forefront” and indicate an approach that they did not want associated with the organization.

These findings warrant further study to determine the impact of housing ex-offenders on the buildings and communities in which they reside. Such research could also offer housing providers more specific information to counteract the prevailing trepidations about housing this population.

C. Policies in Transition

More than half of the admissions policies used by agency representatives were within the process of being modified or revised. For the most part, these agencies indicated that such changes would lead to a clearer policy, and arguably one that is more focused on formal screenings and thus more exclusive of ex-offenders. No agency representatives indicated that recent policy changes were being made to relax standards. Interestingly, few agencies reported a history of significant and unusual difficulties with ex-offender residents.

In most cases, changes to admissions policies were motivated by concerns about community response and resident safety, as well as past experiences. Los Angeles Community Design Center described an increasing emphasis on home visits as well as doing more criminal background checks because of “issues we have had in the past.” In another example, Dunbar Economic Development Corporation stated that they are working closely with the police department to develop a policy for situations when an applicant self-discloses a criminal record.

VI. BARRIERS TO HOUSING EX-OFFENDERS

A. Overview

There can be little question that ex-offenders face significant challenges while securing housing, employment, and other social supports. For individuals recently leaving jail or prison, the immediate need to find a safe and stable housing destination is one of many, and the mere fact that they have not been living in the community while incarcerated presents obvious concerns to landlords and other housing providers. In the competitive housing market of Los Angeles, it is hard to imagine a property owner who would be more apt to rent to an applicant recently out of jail or prison, or even with any criminal history, than a person with no criminal background.

Moreover, recent changes to federal housing law, responding to the high crime rate experienced in public housing, have led to more prohibitive admissions policies for persons with criminal backgrounds seeking public or federally-assisted housing. While some ex-offender populations, such as registered sex offenders or those convicted of producing methamphetamines, have become automatically excluded from such housing, others with certain offenses on their records may be excluded based upon the discretion of the local housing authority. Altogether, these policies create a very limited environment in which ex-offenders seeking housing can operate, putting them at a heightened risk of prolonged periods of housing instability and homelessness.

In certain cases then, the simple presence of a record can be enough to preclude an individual from obtaining the type of support (e.g., stable housing) that is needed most by this population. Additional barriers that transcend housing needs, such as poor mental and physical health and estrangement from friends and family, also play an equally mitigating role for persons trying to rehabilitate after prison. These obstacles include existing laws that prevent ex-offenders from working in certain professions or receiving student loans and grants and laws that deny them access to other public systems of care that may be beneficial.

All of the screening methods documented in this study, such as financial credit, rental history, and/or criminal background checks, have the potential to exclude ex-offenders from access to affordable housing. For example, a credit check reveals income, access to credit, and a history of payments. For these reasons, ex-offenders, especially those recently released from prison, are less likely to have “good credit” and are therefore “de facto” at a competitive disadvantage in relation to other more qualified housing applicants. Rental history is even more problematic for ex-offenders who spent time in jail or prison, as it requires applicants to provide information on past housing and to show a positive recent rental or landlord relationship.

B. Other Barriers Identified By Providers

Agency representatives were asked to identify other barriers, in addition to previous contact with the criminal justice system, they consider to exist for applicants with criminal histories. Study participants described an array of concerns for this population and focused on the difficulty in addressing their disparate needs. These responses illustrate specific areas in the lives of this population that require attention and perhaps explain why their situation is unique. Two themes emerged from these responses: ex-offenders need sufficient access to a diverse set of supportive services that are appropriate for their situation; and there is a pervasive stigma associated with ex-offenders which limits their ability to access housing and supportive services.

Two agencies related the current needs of post-incarcerated individuals directly to the environment from which they came (e.g., prison) or frequently return to (e.g., streets), further reaffirming assertions that incarceration is a debilitating influence. According to Skid Row Housing Trust, “if you are exposed to the streets for any length of time you adapt to certain survival techniques...We find that in that transition of living in the streets to living with other people...sets everything back. Jails are a de-civilizing influence; you become detached.” West Angeles Community Development Corporation concurred, stating, “The penal system is not a rehabilitative system at all, so there are a lot of individuals that go into the system and in most cases come out worse for the time than when they went in.”

By itself, the notion that ex-offenders require a wide range of supportive services to enable them to be self-sufficient and maintain their housing is well-documented, and is given context during this study’s Introduction. Two agencies highlighted employment needs as paramount. West Angeles Community Development Corporation, for instance, deemed the “availability of jobs” to be the biggest barrier for ex-offenders, adding that “It’s always difficult for those who have something on their records to find jobs and get into programs to help them work with their issues.” Apparently, this concern led the agency to develop specific programs to help ex-offenders address this issue, including efforts to cultivate relationships with employers who have had previous success employing their clients. For another agency, poor educational outcomes were highlighted. According to Esperanza Community Housing Corporation, “A lot of it has to do with literacy, [and] the very fact that they do not have education...[Literacy] is basic in this job market, [and] most ex-offenders have a 4th grade level education.”

These perspectives describe a population in great need but also one that is worth the investment, according to agencies that are sensitive to this population. SRO Housing Corporation, for example, seemed confident that they have struck an appropriate balance between employee and resident safety and the need to be accommodating in their line of work. “We feel like we know what works and we

end up hiring a lot of people that have horrible backgrounds but who have made the determination to turn their lives around...we have many tremendous success stories that demonstrate that with the right case management and the right program that they can make a big change in their lives.”

The concept therefore of providing the resources, tools, and appropriate environment for individuals with criminal histories to improve their lives was shared by study participants. However, there was also agreement among several participants that external social forces, such as stigma and prejudice, play an equally mitigating role for this population. Such perceptions are fueled by assumptions that past criminal activity predicts future criminal behavior or habits, or generally that accepting such a person into a building only invites more crime into the building or neighborhood. As LINC Housing simply put, “there’s prejudice against somebody who’s committed violence.”

Coupled with other barriers common among this population, such as lack of income, or the presence of a substance use or mental disorder, this stigma is elevated and even more compounding. On this note, New Economics for Women described a vicious spiral of circumstances, where a criminal record limits job access, which in turn limits income and the ability to demonstrate “good credit,” to the point where finally these individuals “come out [of jail] with no credit and no one really wants to give them credit.” In the end, the issue boils down to a calculated risk on the part of housing providers to engage this population and given them a chance. And according to Venice Community Housing Corporation, such a risk has financial implications. “As far as I know there is nothing in our insurance that says that you are not allowed to house somebody with a felony; this issue is more: if you accept someone with a felony, is your insurance coverage going to be there for you.”

Together, the two themes mentioned at the beginning of this section—insufficient access to support networks and discrimination against persons with criminal records—can perhaps be seen to lead to a third barrier that was raised less directly through the interviews: there is an overall dearth of housing programs that target, or are “appropriate” for this population. This issue reflects a growing disparity between research that shows poor housing and health outcomes for this population, and an overall lack of public funding that is targeted to address their housing-related needs. One agency recalled a recent program that assisted ex-offenders to reintegrate into their communities but was forced to close due to a loss of state funding. Moreover, already limited access to appropriate housing can be exacerbated by programs that set high thresholds for participation, including sobriety and other restrictive admissions criteria.

Some agencies also identified barriers to housing ex-offenders whose families already live in the building. In the past year, Dunbar Economic Development Corporation has worked with many residents who have accepted a family member with a criminal record into their home without prior authorization.

Dunbar explained that the families do not understand that they cannot house an ex-offender family member unless the family member is on the lease agreement. LINC Housing Corporation relayed a similar experience involving a family with a young adult son with a criminal record who was harassing another resident and violating a restraining order. The family was instructed to either move from the development or not allow their son to live with them. This anecdotal evidence suggests that ex-offender housing policy not only impacts individual ex-offenders, but their families as well.

VII. CONCLUSION

With such little information available on the role that criminal backgrounds play during the affordable housing screening process, the primary purpose of this study was simply to gather some preliminary information on how this issue is handled among affordable housing providers in Los Angeles County. For this reason, this report aimed to reveal some basic trends that can be used as a basis for more in-depth research.

One notable trend concerned property management structure. The use of in-house or third-party management in part influences the stringency of admissions criteria for ex-offenders. Although the majority of agencies using third-party management have a role in maintaining admissions criteria, we found that those using strictly in-house management retain greater control over the admissions process, and thus can better respond to the needs of special needs populations, including ex-offenders, and evaluate applicants on an individual basis.

In addition to property management structure, the various screening methods that are employed by agencies present significant barriers to ex-offenders seeking affordable housing. Clearly, a criminal background check alone could be cause for exclusion from housing. Yet, the other two major screening methods discussed in this report, financial credit and rental history checks, can also mitigate housing access. A credit check, for instance, could reveal areas of bad or insufficient credit for a person who has recently been in jail or prison. Similarly, an ex-offender recently released from jail or prison, or completing probation, is unable to document a successful rental record during that time.

Although 80% of agencies surveyed perform a formal criminal background check or ask for self-disclosure on the application, a criminal background does not necessarily prevent an ex-offender from securing affordable housing. Many agencies only exclude certain types of ex-offenders from their developments and 14 out of 15 agencies review each applicant on a case-by-case basis. Furthermore, almost 50% of the agencies would consider making an exception for an applicant with a mental or physical disability and a criminal background. These exceptions demonstrate a certain pragmatism among affordable housing providers, and an acknowledgement that it is acceptable, if not simply common, for applicants to have previous contact with the criminal justice system. Despite their willingness to work with ex-offenders, many respondents noted a lack of targeted funding for housing programs designed for ex-offenders.

Since the findings of this study may be used to inform future research directed at policy change, it is important to remain cognizant of the factors that influence the admissions process. Due to various sources of funding received by agencies, different property management styles, government housing regulations, agency target populations, and other factors, most agencies reported numerous influences on their admissions policies. These factors illustrate a complex web of

influences and circumstances that shape affordable housing admissions and the cycle of tenancy. Mostly, these appear beyond the immediate control of the housing operator and thus are unlikely to be modified from direct action on their part. Instead, they reinforce the seminal role that public funding and its regulations assume on affordable housing operations.

VIII. NEXT STEPS

This section describes issues within the topic of housing for ex-offenders that need more attention, and makes some suggestions on how future study could be useful for affordable housing providers, those that influence their admissions policies, and the populations they serve.

Although agencies revealed whether or not they have a written admissions policy on housing ex-offenders and stated if and how they check for a criminal background, the manner in which this information is used during the screening process and tenancy period remains unclear. Several agencies review applicants with a criminal background on a case-by-case basis, but did not detail the criteria and considerations upon which this individual review is based. Additionally, more than one agency seemed unsure what to do with criminal record information once it was obtained. Further research on this process would be useful to determine the extent to which applicants with criminal histories are actually excluded from a certain housing development solely based on their criminal background. Such research may also yield insight into the effectiveness of this screening tool during admissions.

While a few participants in this study had a very clear and formal admissions policy in relation to ex-offenders, others were unsure, and could not readily declare which types of ex-offenders are excluded from their housing, nor the parties responsible for determining such policies. Although some of this uncertainty may simply be the product of the interview process, that is ensuring the appropriate personnel were present to address the questionnaire, it is possible that agencies may simply be struggling with the complicated issue of housing tenants with a criminal background. Study participants realize that ex-offender housing is an emerging and complex topic, evidenced by pressure from community members about housing ex-offenders, as well as the numerous guidelines articulated by HUD, PHAs, insurance companies, and management companies. Therefore, agencies and their clients could benefit from a more deliberate and thoughtful approach to this issue. In turn, it is vital that this approach be shared and understood by board members, community members, property managers, and employees of the agency.

With so many different factors influencing housing admissions, affordable housing providers cannot be solely responsible for creating and clarifying policies on housing ex-offenders. Community members, insurance companies, and property managers must be educated on this complex issue in order to create fair and effective policies. While numerous studies have explored the relationship between affordable housing developments and crime rates and property values, there has not been parallel research to examine this relationship within the context of accepting and housing this specific tenant group (e.g., tenants with criminal histories).

More information about crime rates, property values, problem tenants, and lease compliance in relation to housing ex-offenders would determine whether or not community and insurance company concerns about ex-offenders are valid. Accurate information about ex-offenders' behavior and lease compliance within a housing development may assist affordable housing agencies to mitigate community opposition while insuring a safe living environment for the neighborhood.

These steps mentioned above are all important within the context of further delineating the affordable housing industry's approach to housing individuals with criminal records. Nonetheless, there is also the need to take what has been learned thus far, and present it to affordable housing stakeholders. This effort could occur in more intimate settings or at larger training events, such as statewide and national conferences. It is our intention to initiate that process immediately, to ensure that appropriate audiences are attuned to this aspect of affordable housing and are provided with information to better address this barrier in conjunction with others that limit housing access and tenancy.

APPENDICES

Appendix A: Survey

1) Name of non-profit _____ Date _____

People interviewed _____

2) How many units do you own or operate? _____

a. special needs(read definition) _____

b. under construction _____

c. in planning _____

3) Describe your Board of Directors including number and occupation. Are members involved in policy decisions?

4) Who manages the units, your staff or a management company _____

a) Who makes the final decisions regarding admission, lease compliance and eviction?

b) What factors are used in making these decisions?

5) Do you have a written admission policy? _____ yes _____ no

If yes, may we have a copy of it? Received _____

6) How often is your admission policy reviewed and updated?

7) When the policy is reviewed what factors or circumstances are considered in setting admission criteria (property management company guidelines, past practice, refinements due to lessons learned from past admissions, lawsuits, etc?)

a) According to your policy who is responsible for maintaining the admission criteria? _____

b) Is there a priority list for admission?

_____ yes _____ no

c) Are homeless applicants given priority?

_____ yes _____ no

d) Is there a waiting list for admission?

_____ yes _____ no

8) Does your agency have a policy and or guideline concerning housing persons with a criminal background? _____ yes _____ no

If no: why not? _____

a) Do you conduct background checks?

_____ yes _____ no

If yes: Who conducts the background investigations? How long do they take?

b) If no, what is the policy/procedure if an applicant self discloses?

c) You will accept: (check all that apply)

_____ Non-Violent offenders

_____ Violent offenders

_____ Persons on probation or parole

_____ Persons no longer on probation or parole

_____ Megan's law reportees

_____ Other _____

9) Do you make any allowance for those persons who have mental or physical disabilities? _____ yes _____ no

10) What barriers do you believe exist for applicants who are?

a) Mentally Ill

b) Substance- addicted

c) ex-offenders

11) Do you make any allowance for those persons who have mental disabilities and criminal backgrounds? _____ yes _____ no

(Is consideration given if the crime was committed as a result of the person's mental disability because they were off meds?)

12) What is the appeal process if you turn down an applicant? Does the applicant receive information on why they were denied and how to appeal?

a) On average how long does an appeal take? _____

b) What percentage of appeals is successful? _____

13) Do you find that your partners/financial backers are reluctant to house ex-offenders?

Why?

a) What other barriers are involved when housing ex-offenders?

14) Is there any requirement in your admissions policy that a client must be clean and sober to receive housing?

___ None:

___ Enrollment in a recovery program

___ 6 Months

___ One Year

___ 18 Months

___ 2 or more years

___ Other _____

15) What is the average time from application to being housed? _____

16) Do you require a special needs applicant to have a case worker or social services agency working with applicants to accept their application?

_____ yes

_____ no

Appendix B: Organization Profiles

Agency Name	Agency Type	Units Owned & Operated			Units Under Construction			Units in Development			Property Management Style
		Total	SN	% SN	Total	SN	% SN	Total	SN	% SN	
A Community of Friends	SH	940	700	74.5	0	0	0.0	0	0	0	mixed
Beyond Shelter	GA	519	519	100.0	130	0	0.0	325	0	0	third-party
Dunbar Economic Development Corp.	SA	144	0	0.0	0	0	0.0	0	0	0	in-house
East Los Angeles Community Corp.	GA	95	0	0.0	54	0	0.0	89	0	0	mixed
Esperanza Community Housing Corp.	SA	169	0	0.0	0	0	0.0	0	0	0	third-party
Hollywood Community Housing Corp.	SH	560	119	21.3	161	28	17.4	0	0	0	mixed
Los Angeles Community Design Center	GA	3600	178	4.9	175	0	0.0	330	0	0	in-house
L.A. Housing Partnership	GA	1100	0	0.0	39	39	100.0	52	0	0	mixed
LINC Housing Corp.	GA	4200	280	6.7	100	0	0.0	38	0	0	third-party
New Economics for Women	SA	383	383	100.0	119	0	0.0	0	0	0	in-house
SRO Housing Corp.	SH	1608	1500	93.3	80	0	0.0	49	0	0	in-house
Skid Row Housing Trust	SH	1200	1100	83.3	86	0	0.0	100	0	0	in-house
Venice Community Housing Corp.	GA	161	40	24.8	0	0	0.0	0	0	0	mixed
West Angeles Community Development Corp.	SA	400	0	0.0	0	0	0.0	0	0	0	mixed
West Hollywood Community Housing Corp.	SH	266	82	30.8	0	0	0.0	35	35	100	in-house
Total		15345	4901	31.9	944	67	7.1	1018	35	3.4	

SA=Service Agency Turned Housing Provider
 SH=Special Needs Housing Developer
 GA=General Affordable Housing Developer
 SN=Special Needs

Appendix C. Definition of Special Needs

Several questions in the survey concerned special needs clients and special needs housing. Because the definition of special needs varies in the accessible housing community, a general definition provided by Shelter Partnership was provided to the interviewees. For the purposes of this study, individuals were considered to have special needs if they fell into one or more of the following categories:

- Mentally Disabled
- Physically Disabled
- Developmentally Disabled
- Person Living with HIV/AIDS
- Person Living with Other Chronic Health Condition
- Victim of Domestic Violence
- Teen Parent or Expectant Teen Parent
- Single Parent
- Frail Senior
- Emancipated Foster Youth
- Substance Abuser
- Ex-Offender
- Agricultural Worker

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