

Reentry Housing in Montgomery County



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Executive Summary

Montgomery County is a national leader in its commitment to ending homelessness and expanding affordable housing options for all residents. Local leaders made considerable progress toward these goals, achieving functional zero homelessness among veterans, and passing rent stabilization laws in 2023. However, the County has overlooked a key population in need of housing support: residents returning from incarceration. Thousands of people return to Montgomery County each year after serving a sentence in jail or prison – and many struggle to find stable and affordable housing. Interviews with subject matter experts at the Department of Housing and Human Services (DHHS), the Department of Corrections and Rehabilitation (DOCR), Montgomery County Coalition for the Homeless (MCCH), and other key stakeholders revealed the following system-wide challenges:

- **No Coordination:** Despite the County’s investments in reentry programming and ending homelessness, there has been no formal coordination of reentry housing efforts by agencies and community-based organizations working with this population.
- **Limited Data:** DHHS and DOCR are not collecting data on the housing status of returning residents in the County, providing limited information about the breadth and depth of their challenges securing housing.
- **Minimal Enforcement:** Since the passage of the Housing Justice Act of 2021, there have been zero formal complaints made by returning residents. Subject matter experts suggest the lack of resident education efforts and limited scope of the office (two employees) are hampering enforcement efforts.
- **Restrictive or Limited Housing Options:** Returning residents face the same challenge as other rent-burdened and income-limited residents in the county: a lack of affordable and accessible housing options.

To remove these barriers, Montgomery County should take the following steps:

1. Establish a **formal reentry collaborative** to increase communication and coordination
2. Establish **data collection processes** for the justice-involved population at DHHS and DOCR, and establish MOUs to enable data sharing
3. Re-institute **upstream coordinated entry** for adults in custody at the Montgomery County Correctional Facility (MCCF) and provide additional resources for housing navigators
4. Hire **additional housing navigators** to support housing placement for justice-involved individuals upon release
5. Address the **shortcomings of the Housing Justice Act**
6. **Expand housing assistance** at multiple levels

Definitions

Area Median Income (AMI): Area Median Income is the midpoint of a specific area's income distribution and is calculated on an annual basis by the Department of Housing and Urban Development.¹

Coordinated Entry System (CES): The CES is a process that connects people experiencing homelessness in the county with the most appropriate housing intervention. Clients are prioritized for housing based on their level of vulnerability, which is determined by established criteria.²

Emergency Shelters: Shelters offer temporary accommodation to those experiencing homelessness while they seek a longer-term housing solution.

Fair Market Rent: Fair market rents, or FMRs, are statistics developed by HUD to determine payments for housing assistance programs like the Section 8 housing choice voucher program.

Rapid Re-Housing (RRH): The Rapid Re-Housing initiative serves individuals who have low to moderate barriers to obtaining and maintaining permanent housing. In Montgomery County, an individual can receive up to a year of rental assistance as well as case management services and connection to an employment specialist to increase earned income.

Reentry Housing: In Montgomery County, reentry housing is housing for people returning to the county after a period of incarceration, either in the Montgomery County Correctional Facility (MCCF) or the Pre-Release Center (PRC).

Transitional Housing: Transitional housing refers to the provision of temporary residence between 3-24 months and is intended to be a "bridge" between experiencing unsheltered homelessness or living in an emergency shelter and permanent housing. Wrap-around services are sometimes provided in this model, ranging from assistance in locating a job and securing health services to help with housing navigation, counseling, and financial literacy.

Permanent Supportive Housing (PSH): PSH is a model that combines affordable housing with voluntary supportive services. PSH is highly targeted, aimed at helping those who would face significant barriers to maintaining housing stability without these supportive services. Typically, this includes individuals who have experienced chronic homelessness and have serious, chronic conditions including those with mental health diagnoses or substance use disorders.³ In the reentry context, this model has been employed to house "frequent cyclers"- individuals who have a history of cycling through jail, shelters, and emergency rooms.

Section I: Current State of Montgomery County

Reentry Housing

Why Housing Matters for Reentry

Lack of Affordable Housing Options

Nationally, the supply of affordable housing is far below the level of demand. According to the National Low Income Housing Coalition's (NLIHC) 2023 annual *Gap* report, there are 44.1 million renter households in the United States.⁴ Extremely low-income renters¹ make up approximately one-quarter, or 11 million, of the nation's renter households.⁵ However, there is a shortage of 7.3 million affordable and available rental homes for these extremely low-income renters.⁶ Nationally, there are only 33 affordable and available rental homes available for every 100 extremely low-income renters.⁷

The data for Maryland shows a similar affordable housing deficit. In Maryland, 26% of renter households are below 30% AMI and 44% of renter households are below 50% AMI.² In 2021, there were 207,554 extremely low-income renter households in Maryland, but only 61,469 affordable and available rental homes for these renters.⁸ This translates to only 30 affordable and available rental homes for every 100 extremely low-income renters in Maryland, and 56 affordable and available rental homes available for every 100 renters at or below 50% AMI.⁹

In Montgomery County, 35% of all households are renters.¹⁰ Similar to the landscape at the national and state level, Montgomery County has a shortage of affordable housing for those at the lowest income levels. In 2018, the Office of Legislative Oversight found that there was a shortage of approximately 25,000 units for households with incomes below 50% AMI.¹¹ In part, this may be due to the volume of workers in low- or minimum-wage jobs. As of July 2023, the minimum wage in the county is \$14.50 to \$16.70 an hour.¹² For a full-time worker earning a minimum wage of \$16.70 an hour, affordable rent is \$868 per month. However, the fair market rent of a one-bedroom in the county is \$1,615 per month.¹³ A full-time, minimum wage job also fails to cover the rent for

¹ According to the National Low Income House Coalition, extremely low-income renters are defined as households with "incomes at or below either the federal poverty guideline or 30% of their area median income (AMI), whichever is greater."

² In FY23, median family income in the DMV Metro Area was \$152,100. A single person at 30% AMI earns \$31,650 or less per year; a single person at 50% AMI earns \$52,750 or less. For a family of four, 30% AMI is 45,200; 50% AMI is \$75,350.

extremely low-income households. According to the National Low Income Housing Coalition, the rent affordability for county residents at 30% AMI is \$1,141 per month.¹⁴

Barriers to Housing with a Criminal Record

As of 2023, between 70 to 100 million people—or one in three adults—in the United States have a criminal record. For these individuals and their families, numerous barriers stand in the way of successful reentry, including access to stable housing.¹⁵ Background checks and discrimination against people with criminal histories are one such obstacle to obtaining housing. A 2015 nationwide survey of formerly incarcerated persons and their families found that 79% of survey participants were either ineligible for or denied housing because of their own or a loved one's conviction history.¹⁶ Additionally, 72% of survey respondents identified the lack of affordable housing as one of the largest barriers to securing stable housing.¹⁷

Due to the low number of available and affordable units in the private market, subsidized housing remains one of the few options available to incarcerated people and their families. However, long waitlists and a criminal record can make accessing housing challenging or impossible for those with certain charges. For example, federal law “permanently excludes people with lifetime registered sex offense convictions and people with convictions for producing methamphetamines in public housing.”¹⁸ Additionally, state housing authorities may also have their own exclusions for people with criminal records.

These restrictive measures are compounded by other barriers formerly incarcerated individuals face upon release, including unemployment, poor mental and physical health, and substance use disorders.¹⁹ When combined, these factors lead to income instability that puts available market-rate or even affordable housing out of reach.²⁰ As a result, justice-involved individuals frequently end up “on the streets, in shelters, and in unregulated, uninhabitable housing.”²¹

Housing Provides a Stable Foundation

Housing is an essential and necessary component of a stable foundation for returning residents. Housing provides stability that allows individuals to succeed in other areas of their lives such as obtaining and keeping employment, advancing their education, receiving medical and mental health treatment, connecting with their family, gaining financial stability, and engaging with their community.²²

Access to stable housing can also help aid successful reentry and reduce recidivism. Studies show that the first month after release from incarceration is a “critical period.” Without access to social and structural support, formerly incarcerated people are at an increased risk of becoming homeless and/or returning to criminal justice involvement.²³ One study of a permanent supportive housing reentry program found that participants were 40 percent less likely to be rearrested within one year and 61 percent less likely to be reincarcerated within one year compared with the rates for the comparison group.²⁴

Just as stable housing sets returning residents up for success as they reintegrate into their communities, a lack of stable housing does the opposite. Research has shown that individuals who are unable to obtain stable housing upon release are more likely to recidivate than those who do secure housing.²⁵ In some jurisdictions, lacking stable housing can have consequences for parole status, resulting in “a violation and re-incarceration for technical reasons, such as a missed appointment or drug test.”²⁶ The majority of individuals on parole or probation who return to jail or prison do so because of these technicalities rather than newly committed criminal offenses.²⁷

As a result of these barriers, returning residents are almost ten times more likely to be homeless than the general public.²⁸ Furthermore, the more times someone has been incarcerated, the more likely they are to be homeless. People who have been incarcerated more than once have a rate of homelessness 13 times higher than the rate of the general public.²⁹ Additionally, being homeless makes formerly incarcerated people more likely to be rearrested and incarcerated again. A study reported that individuals who are homeless and living on the street were shown to have been arrested at double the rate of their peers who had secure housing.³⁰ This can result in people cycling between homelessness and incarceration.

Homelessness and Reentry by the Numbers in Montgomery County

Interviews with staff at DHHS, DOCR, and MCCH revealed a lack of systematized data collection on homelessness and justice involvement at the agencies. As a result, there is no current estimation of the number of people who were experiencing homelessness upon admission to the MCCF. However, national research indicates that 15% of the incarcerated population experiences homelessness in the year leading up to their arrest.³¹

Data on housing outcomes upon release from MCCF and the Pre-Release Center (PRC) are similarly lacking, though intake data from emergency shelters throughout the county revealed that of the 1,765 people who entered a shelter in FY2023, 48 people came straight from a jail, prison, or juvenile detention facility. However, this number does not capture the reality of the number of people whose justice involvement was a contributing factor to their homelessness. While case managers at MCCF acknowledged that the number of people being released into literal homelessness was a very small fraction of their population, a much greater percentage (estimated by officials to be about one third of those released) planned on temporary accommodations with a family member or friend upon release and lacked long-term housing stability. In 2023, 463 people entered a homeless shelter in Montgomery County after living with a family member or friend.

While there is currently no data to distinguish the number of people experiencing homelessness who have previously been incarcerated at the county level, national data firmly establishes the relationship between incarceration and homelessness, as discussed above. Further, In neighboring Washington D.C., 57% of the homeless population had been previously incarcerated, and according to a 2019 assessment, 55% of these people attributed their homelessness to incarceration.³²

Officials at MCCH and DOCR recognize that there are many returning residents with nowhere to go upon release.³³ In our discussions, MCCH representatives acknowledged that the resources provided to DOCR in the realm of housing have been inadequate and conceded that there needs to be greater investment in programs designed to house the reentry population.

In addition to its impact on formerly incarcerated people and their families, homelessness and the homelessness-jail cycle is expensive for taxpayers. An evaluation by the Urban Institute in Denver, Colorado found that it cost the city nearly \$4,000 to manage the jail stay, arrest, and citation for one person stuck in the homelessness-jail cycle over a 90-day period.³⁴ In Los Angeles County in FY2014, taxpayers paid \$65.5 million in jail costs and \$5.6 million in booking fees for people experiencing homelessness.

The Racialized Nature of Homelessness and Justice-Involvement in Montgomery County

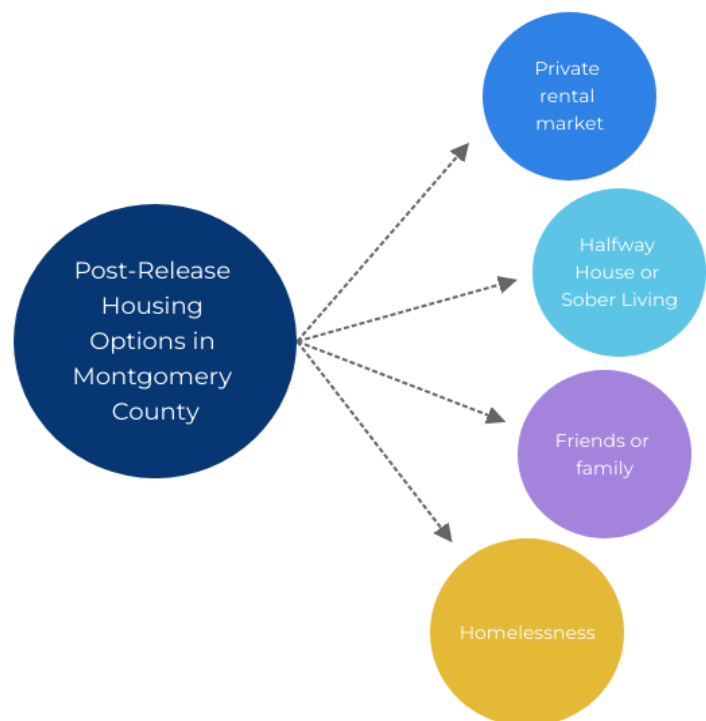
Greater efforts to provide reentry housing in the county have broad implications for racial equity, as Black and Latinx residents are disproportionately represented in the justice-involved and homeless populations. Though Black residents make up 18% of the county population, they accounted for 56% of the homeless population in FY2023.³⁵ Further, despite Black and Latinx individuals making up only

19% and 20% of the population in the county respectively, they comprised 44% and 26% of the arrests made by the Montgomery County Police Department.³⁶ Black and Latinx populations also have a greater prevalence of unmet mental health needs, leading to increased cycling between jails, shelters, and emergency rooms.³⁷

Finding Housing as a Reentering Resident in Montgomery County

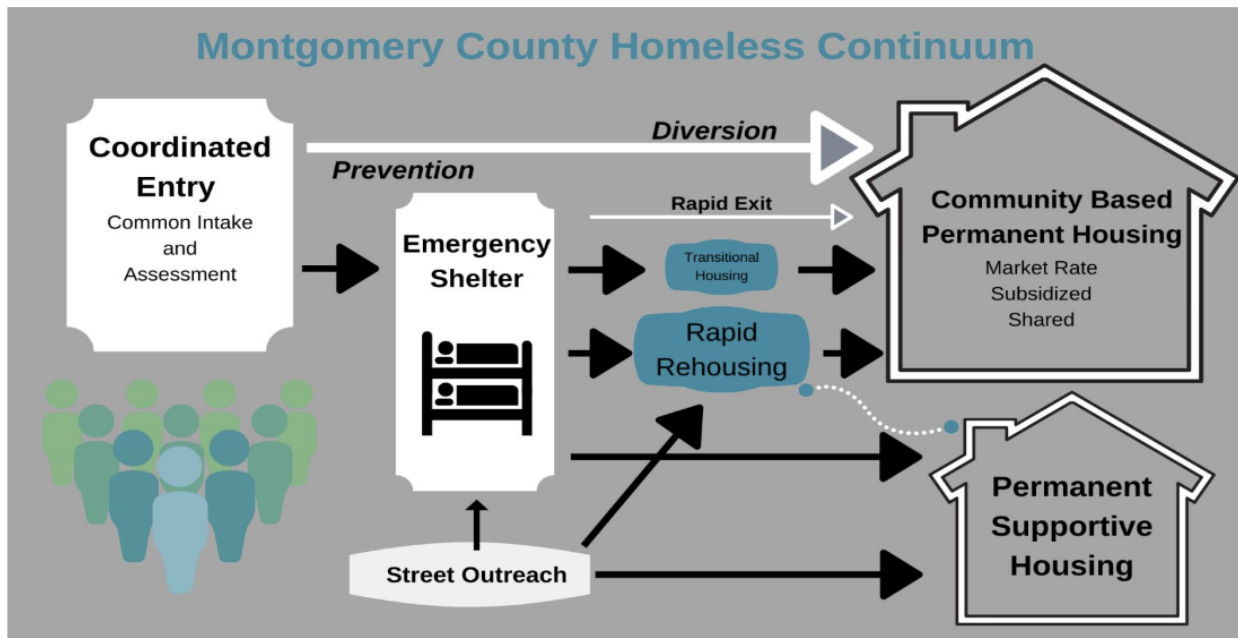
The private rental market is one housing option for reentering residents in the county. However, without substantial financial support, much of the rental stock remains out of reach for the average returning resident. Between 2017 and 2021, the median cost of a one-bedroom rental unit in Montgomery County was \$1844; the fair market rent in FY22 was \$1567. Upon release from MCCF, returning residents are not provided with any financial support, and most returning residents do not have the income stability to support rental payments.³ As a result, many people released stay temporarily with family or friends. This is not always a feasible option, particularly for those who have severed ties due to their incarceration.

Aside from friends and family, DOCR officials noted that halfway houses and sober living communities are the two main forms of housing available to returning residents.³⁸ These living situations can be supportive for those with substance use disorders who seek a structured, sober community during their transition. While the benefits of sober living are felt by those seeking treatment for an addiction or substance use disorder, not all people released from MCCF require these services—and such requirements and restrictions may be harmful to efforts to decrease homelessness. For those who do not need that form of support, this runs counter to substantial research evidence on—and Montgomery County’s commitment to—Housing First policies.



³ The reentry ID provides free bus transportation for 60 days within the county and serves as a library card. Those returning from the Pre-Release Center may have some savings because of program requirements. However, this does not often cover more than one month’s rent in the private market.

Due to the lack of viable options for returning residents, many are released into homelessness. Under Montgomery County's continuum of care model, the person can access services once they are entered into the coordinated entry system, usually through a shelter or street outreach worker. Some may have access to community-based permanent housing with subsidy or voucher support, while others are placed into emergency shelter. From there, they can access permanent supportive housing, rapid re-housing, or transitional housing depending on bed availability and needs assessment.



Source: Montgomery County Coalition for the Homeless

One of the county's permanent supportive housing programs is dedicated to the justice-involved population. Known as CHIP, the Creative Housing Initiative Program provides 16 formerly homeless men and women with housing in an apartment complex and access to home-based case management and other services.³⁹

Challenges and Limitations

Although Montgomery County provides some options for returning residents, the overall supply of housing for the formerly incarcerated population is lacking, in part due to the unavailability of targeted options. Unlike people experiencing homelessness among veterans or those with substance use disorders, justice-involved people in the county are not currently treated as a separate population with unique needs and circumstances. They are not factored into the county's continuum

of care planning and there are no agencies or cross-agency groups focused on reentry and housing for this population.

While many interviewees mentioned positive working relationships with the various key players in this space, a common theme that came up was the lack of formalized or regular meetings between these key players to specifically discuss reentry housing and coordination. For example, different commissions and groups exist in the county to address criminal justice (Criminal Justice Coordinating Commission), homelessness (Interagency Commission on Ending Homelessness), and fair housing (Interagency Fair Housing Coordinating Group). However, not all key players are represented in every commission and these groups are often aimed at addressing subjects that may affect reentry housing but are not solely focused on the issue.

Moreover, returning residents are subject to the same challenges that other renters in the county face: the lack of supply of affordable housing. Some initiatives, such as the county's Rental Assistance Program (RAP) and the HOC-led Rental Supplement Program (RSP), have been established to fill some of the gaps.⁴⁰ However, interviews with officials at DOCR and DHHS reveal the limited availability of PSH and transitional housing – and the lack of overall availability and bed space in these programs. Those who would be able to afford housing on the private market have encountered significant barriers to obtaining housing, as many of them have been denied because of their criminal history. To address this issue, the Montgomery County Council passed the “Housing Justice Act” in 2021 to prohibit landlords from conducting criminal background checks on potential tenants until they make a conditional housing offer and rejecting applicants based on certain arrests and low-level misdemeanors. However, interviews with county officials revealed concerns about the efficacy of the legislation. They shared that many landlords are still discriminating on the basis of criminal history.⁴¹ These anecdotal accounts are supported by the report from the Office of Human Rights that there have been zero complaints since the protection was established.

Section II: Promising Practices & Models

Transitional Housing

Formerly incarcerated individuals are at the highest risk of experiencing homelessness during the immediate period following their release.⁴² Researchers at the Prison Policy Initiative found that individuals who spent two years or less in the community after their release from prison were more than twice as likely to experience homelessness compared to those who had been out of prison for

four years or more. Moreover, this timeline closely aligns with the recidivism likelihood timeline—after three years, the likelihood of reoffending decreases substantially and is extremely low after five years.⁴³

These findings suggest that housing solutions targeted to individuals immediately upon release could be effective in preventing homelessness and recidivism of justice-involved individuals. Transitional housing allows returning residents to find and maintain employment, save money for long-term housing options, and rebuild their social support networks.⁴⁴ It is also less resource intensive than permanent supportive housing (PSH) options, as the intended service population has lower support needs. Often, these individuals require a period of guaranteed housing and short-term support services for them to secure long-term stability. Mass investments by jurisdictions around the country have been made in these medium-term housing options for these reasons.⁴⁵

The Reentry Council of the City and County of San Francisco developed one of the most elaborate transitional housing models for justice-involved individuals. They have established 11 transitional housing sites that house people for anywhere between six months and three years. The sites have specific support services offered depending on the needs of the target population, including “outpatient mental health and substance use disorder treatment; case management; medication management; support groups; and recreational activities”, with the intention of promoting long-term independence and self-sufficiency.⁴⁶

Two forms of transitional housing exist in Montgomery County: Rapid Rehousing and the Short-Term Housing Resolution Program (SHARP). In the Rapid Rehousing Program, an individual can receive up to a year of rental assistance as well as case management services and connection to an employment specialist to increase earned income. For those who do not require any support services beyond financial assistance, SHARP provides individuals with assistance with a security deposit and up to twelve months of rent. These two programs have been very effective for serving low acuity needs households and present a promising framework if they can be expanded and specifically tailored to meet the needs of returning residents.

Clients with increased care needs might benefit from a revitalization and expansion of the “Comprehensive Reentry Project” (CORP), a two-year transitional housing program that provided intensive case management, housing location services, and connection to health care for returning residents with co-occurring disorders.⁴⁷ The program only ran from 2016 to 2018 after its \$600,000 federal grant from the Department of Justice expired. Christine Hong, Chief of Services to End and

Prevent Homelessness (SEPH), confirmed that this program worked with the most vulnerable returning residents as they moved from jail to shelter to permanent housing and helped significantly in a number of cases; she suggested that its expansion could greatly support the stabilization of this population.

Permanent Supportive Housing

Behavioral health needs are disproportionately prevalent among individuals within the justice system, with approximately 44% of incarcerated individuals in local jails having a history of mental illness.⁴⁸ A 2012 study also revealed that 72% of individuals with a significant mental illness who were incarcerated in jails also had a co-occurring issue with drug or alcohol abuse.⁴⁹ With few mental health treatment resources available, county jails have effectively evolved into the primary provider of mental health care.⁵⁰ By offering permanent supportive housing (PSH) options that provide social, behavioral, and physical health care, the county can ensure that people receive the support that they need to remain in the community.

In 2014, the Los Angeles County Office of Diversion and Reentry initiated a PSH program for people in the justice system with behavioral health needs. A RAND evaluation of the program found that 74% of participants remained stably housed after the first year and 86% had no new felony convictions after 3 years.⁵¹

In addition to reductions in recidivism, PSH programs also bring cost-saving benefits, as individuals reduce their reliance on local emergency services. In New York, their Justice-Involved Supportive Housing (JISH) program was shown to save \$16,000 per individual in annual jail, shelter, and emergency room costs.⁵² JISH is unique in its use of a data-match process to identify individuals with dual involvement in the criminal justice and city shelter systems.⁴ In addition to ensuring services are targeted to those in greatest need, the matching process also ensures the cost-saving benefits are realized. The program is also cost neutral as it is funded through a reinvestment of civil asset forfeiture revenues from the Manhattan District Attorney's Office.

⁴ JISH came out of an initiative called FUSE (frequent users system engagement) in New York City. The initiative has now been implemented in over 20 jurisdictions, from Mecklenburg County, North Carolina to Hudson County, New Jersey. See "Housing for the Justice Involved: The Case for County Action," *John Jay Prisoner Reentry Institute and National Association for Counties*,

Set Asides

Public housing authorities (PHAs) are empowered to exercise their discretion in prioritizing their waitlist, ensuring that vulnerable populations are given priority and housed ahead of others through designated "set-aside" units or vouchers. PHAs across the country have established set aside programs for justice-involved individuals, including those in Baltimore, Philadelphia, New Haven, Seattle, and Washington D.C.⁵³ Baltimore's Housing Authority sets aside up to 250 vouchers for individuals participating in city-funded reentry programs.⁵⁴ The Washington D.C. program is smaller, with the Mayor's Office of Returning Citizen Affairs sets aside 20 housing vouchers for those returning from incarceration.

Philadelphia's Second Chance Voucher Program takes a unique approach, combining elements of transitional housing programs with the benefits of set-aside vouchers. Participants are under probation with the Supervision to Aid Reentry (STAR) Court in the Eastern District of Pennsylvania.⁵⁵ In partnership with the Philadelphia Housing Authority, the Court provides participants with vouchers to secure housing during their probationary period. Participants are also required to take part in a financial literacy program and PHA's Housing Opportunity Program to help them find and secure a place to live post-supervision. Additionally, the program has built-in incentives for good behavior—successful completion of the program results in a one-year reduction in time on supervision.

Collaboration and Coordination: Reentry Collaboratives

Strengthening reentry efforts requires collaboration and coordination among government officials, agencies, and other stakeholder groups and organizations that impact returning residents. Establishing a formal forum for partnership among these groups is vital to effectively identify, address, and implement changes to tackle local reentry needs.⁵⁶ Establishing a local reentry council facilitates collaboration and information sharing. These councils can make it easier to "make client referrals between organizations, collect data on shared clients, apply for pooled funding, and advocate for common policy interests."⁵⁷

Currently, Montgomery County has a Criminal Justice Coordinating Commission, which coordinates policies among criminal justice and law enforcement agencies in the county. The Commission provides analysis and information to support these agencies and evaluates the adequacy and

organization of law enforcement and the administration of justice in the county.⁵ While the work of the Commission touches on reentry, reentry is not the Commission's focus.

Thus, the county lacks a designated group solely focused on reentry. The needs of returning residents span across several sectors, such as housing, health, education, social services, employment, and more. Having a reentry focused group, such as a reentry council, can facilitate this important collaboration between leaders from the criminal justice system and the other sectors that are vital to fostering successful reentry for returning residents.

Reentry Collaborative Models

Having a designated reentry collaborative, such as council, commission, or advisory board, has proven effective in surrounding jurisdictions and local governments across the country. These groups work to improve reentry in their jurisdictions and can focus their efforts on specific reentry issues, such as addressing the housing needs of their justice-involved populations. The following are examples of successful models that could be implemented in Montgomery County.

Prince George's County, MD – Re-Entry Advisory Board & Returning Citizens Affairs Division

In 2019, Prince George's County created the Re-Entry Advisory Board (RAB) to address the needs of returning citizens in the county.⁵⁸ The RAB was composed of 21 members representing the County Executive's office, the courts (county and state level), law enforcement, Department of the Corrections, Department of Health and Human Services, Department of Housing and Community Development, Prince George's County Public Schools and Community College, the juvenile justice system, non-profits, faith based community, and formerly incarcerated persons.

The RAB met both as a whole and within specific subcommittees monthly for two years to develop a set of recommendations for reforming reentry and reducing barriers to post-release services, housing, job training, and employment. The RAB researched best practices, surveyed county agency and non-profit services, pinpointed the gaps in the continuum of care, raised awareness of the needs of the formerly incarcerated population amongst agencies, and supported new working relationships amongst entities supportive of returning residents. The work of RAB concluded in November 2021 with a final report of recommendations provided to the County Executive's Office. One of the RAB subcommittees was focused on housing and the

⁵ The Commission must meet at least four times per year and is made up of 32 members, 12 appointed and 20 ex-officio.

RAB final report included specific housing recommendations from the Housing Subcommittee.⁵⁹

One of the recommendations from the RAB final report was to establish the Prince George's County Returning Citizens Affairs Division (RCAD). The RCAD was inaugurated in May 2022 and is located within the Office of the County Executive. The RCAD is made up of a Director of Returning Citizen Affairs and Returning Citizen Liaison.⁶⁰ The RCAD is tasked with developing a countywide reentry strategy that aligns government, community, and private sector service providers in sourcing and leveraging resources and partnering to improve the outcomes of returning citizens in Prince George's County. One focus area of the RCAD is to "ensure previously incarcerated residents are connected to the appropriate essential employment, health, education, housing, social assistance programming and services."⁶¹

The RCAD, in collaboration with feedback from county stakeholders, created a "Reentry Playbook" to guide the Division's activities to build an ecosystem for returning citizens in Prince George's County. The playbook includes specific goals and action steps related to housing for returning citizens as well as how to better coordinate services and better leverage existing resources across sectors.⁶²

San Francisco, CA – Reentry Council of the City and County of San Francisco

The Reentry Council of the City and County of San Francisco was established by Ordinance 215-08 and began holding meetings in July of 2009. The purpose of the Reentry Council is to coordinate local efforts to support adults exiting San Francisco County Jail, San Francisco juvenile justice out-of-home placements, the California Department of Corrections and Rehabilitation facilities, and the United States Federal Bureau of Prison facilities. The Council coordinates information sharing, planning, and engagement among all interested private and public stakeholders to the extent permissible under federal and state law. Council members include law enforcement agencies, the courts, the Adult Probation Department, the Human Services Agency, the Health Department, the Department of Homelessness and Supportive Housing, nonprofit organizations, and formerly incarcerated individuals.⁶³

The Reentry Council's meeting and subcommittees are all open to the public to encourage everyone to get involved with San Francisco's reentry efforts. Additionally, public comment time is built into every Reentry Council meeting to provide a space for individuals to share how San Francisco can better support reentry.⁶⁴

The Reentry Council’s Direct Services Subcommittee provides advice to the full Council regarding the services that the reentry population needs, such as housing. Committee members include representatives from the Adult Probation Department, Reentry Division, law enforcement agencies, formerly incarcerated individuals, and nonprofit and faith organizations.⁶⁵ Last year, the Reentry Council put out a research report investigating the housing needs of justice-involved adults in San Francisco. This research culminated in several recommendations for San Francisco to implement to better serve the housing needs of the justice-involved population.⁶⁶

Washington, DC – Criminal Justice Coordinating Council’s Re-Entry Steering Committee

Washington, DC’s Criminal Justice Coordinating Council (CJCC) was initially formed as a working group in 1998, but it was later established as an independent agency of the DC government in 2001.⁶⁷ CJCC serves as a forum for identifying challenges and generating solutions to enhance public safety and the fair administration of justice for District of Columbia residents, visitors, victims, and justice-involved individuals. The CJCC facilitates information sharing and collaboration, conducts research and analysis, and provides training and technical assistance on behalf of its District and federal member agencies.⁶⁸

CJCC has several standing committees, including the Re-Entry Steering Committee (RSC). The RSC is made up of representatives from CJCC member agencies, DC housing, employment, and education agencies and organizations, and representatives from community-based reentry advocacy organizations and networks. The RSC coordinates a range of issues encountered by persons returning from periods of incarceration including housing, behavioral health, and job placement. The Committee’s goal is to continue to identify and monitor the status of reentry services in the District and respond with collaborative strategic initiatives that will address any identified service gaps or deficiencies.⁶⁹

The CJCC and RSC have undertaken several initiatives related to reentry housing. For example, the RSC developed a research brief outlining challenges DC’s returning citizens face in securing stable and affordable housing and discusses DC’s current and potential housing options for this population.⁷⁰ Additionally, the CJCC developed a “Directory of Housing Resources for Returning Citizens,” which is a list of available housing options for citizens returning to DC from incarceration.⁷¹ Returning citizens can also search for housing through the CJCC’s online resource locator.⁷²

Section III: Recommendations

Recommendation One: Establish a formal reentry collaborative to increase communication and coordination across the various sectors and key players involved in reentry

While Montgomery County has a Criminal Justice Coordinating Commission (CJCC), it lacks a designated focus on reentry and specifically lacks representation from experts in the reentry housing field. To address this need, the county should establish a group tasked with assessing and improving the county's reentry services and resources. This can be done through a joint subcommittee between the county's CJCC and the Interagency Commission on Homelessness, or by establishing a separate Reentry Council to address the needs of returning residents in Montgomery County. To best address reentry housing needs, the county's reentry collaborative should include members from stakeholder groups such as DHHS's SEPH Division, DHCA, Maryland Division of Parole and Probation, and housing-related nonprofits and organizations. Additionally, the county's reentry collaborative should include formerly incarcerated individuals to ensure the perspectives of persons with lived experience are represented.

Recommendation Two: Establish data collection processes for the justice-involved population at DHHS and DOCR; establish MOUs to enable data sharing

Data collection practices are limited at both DHHS and DOCR for the housing status of the justice-involved population. As part of DOCR's effort to revamp and revitalize its data collection processes, the agency should add questions about where returning residents plan to live as part of its exit survey for those leaving MCCF or PRC. While DHHS does collect data on those who enter emergency shelters in HMIS, it does not ask about prior incarceration. Adding a question about an individual's incarceration history will enable program targeting and an understanding of the relationship between justice-involvement and homelessness in the county. Establishing a memorandum of understanding (MOU) between the agencies will further collaborative efforts to support the reentering population.

Recommendation Three: Re-institute upstream coordinated entry for adults in custody at MCCF and provide additional resources for housing navigators

In prior years, there was a Homelessness Diversion Outreach Specialist position within the Montgomery County Coalition for the Homeless. This person was responsible for screening people within MCCF and conducting intakes for any people who were anticipated to be homeless upon release. However, in the absence of this service, people are now forced to exit into unsheltered homelessness before they can go to the Montgomery County Crisis Center and begin the intake into the county's Coordinated Entry System.

To close this service gap, coordinated entry should be located further upstream prior to the release, to ensure that they are getting connected to housing resources before they exit into homelessness. This immediate connection of individuals to housing services upon release has been proven to be essential in breaking homelessness-incarceration cycle.⁷³ This does not necessarily have to entail rehiring for a full-time position within MCCH, but rather could be realized by allowing the case managers within MCCF and PRC to run the intake assessment into the Coordinated Entry System.

Recommendation Four: Hire additional housing navigators to support housing placement for justice-involved individuals upon release

Housing navigators are essential to helping clients exit homelessness by identifying potential housing opportunities. They offer guidance and support in the housing search and application process, including obtaining any requisite documentation. Housing navigators also work to help clients navigate and resolve potential obstacles arising from credit reports, prior evictions, potential discrimination on behalf of the landlord, and criminal history.⁷⁴ This is particularly helpful for individuals who are attempting to use a voucher.

Housing navigators have been discussed as an indispensable part of the homelessness response network in the county. They are tasked with recruiting and establishing relationships with landlords to place those with “difficult” histories. Once a client is housed, they also work with landlords to resolve disputes to help clients maintain housing. Despite their essential role, the need for their services far exceeds the capacity of current navigators, as there are only three to four throughout the entire Continuum of Care.

To improve housing outcomes, ensure people are timely placed into permanent housing, and expand the pool of housing available to those with difficult rental, criminal, and/or financial histories, there need to be hiring investments made for these positions in the nonprofits that provide them. As with CES, this intervention is most effective when located upstream.

Recommendation Five: Address the shortcomings of the Housing Justice Act

While the county made progress in addressing housing barriers with the “Housing Justice Act,” county officials that work with the reentry population in various capacities have expressed concerns about the intent of the bill being hampered by its weak enforcement. Currently, the remediation for an applicant who believes that they have been discriminated against unjustly for their criminal records is

to file an administrative complaint with the Office of Human Rights, though they have indicated that they have yet to receive any complaints since the protection was established in 2021.⁶

The ICH has expressed apprehension about discrimination complaints in the context of rental application denial before and has suggested that the process is too complicated and time-intensive for individuals to navigate themselves. In their 2022 Annual Report, they recommended moving the onus from the client onto the county by developing “an independent pathway to investigate housing discrimination and illegal practices at housing complexes.”⁷⁵

We were unable to secure a meeting with the Office of Human Rights to discuss potential solutions they have identified to strengthen enforcement beyond the ICH recommendation above. However, best practices from other jurisdictions in the realm of housing suggest that know your rights education can be a powerful tool to help renters identify when housing providers are violating the law and empower them to pursue the available legal avenues to remedy the situation.⁷⁶ This proactive approach has been deployed by the DC Office of Human Rights, which conducts regular community outreach and know your rights trainings to teach residents about the anti-discrimination laws and how to file discrimination complaints.⁷⁷ Providing individuals at the PRC and MCCF with such a presentation before they are released could significantly improve their chances of finding stable housing and avoiding potential housing discrimination upon reentry. Devising a landlord engagement and education campaign can be an effective and complementary way to prevent landlords from unintentionally violating the law.⁷⁸

Finally, HUD has acknowledged that navigators often play a crucial role as the “first line of defense” for those who face housing discrimination. Hiring more navigators in accordance with our fourth recommendation and tasking them with proactively identifying landlords for the county to investigate has the potential to act as a more effective enforcement strategy.

Recommendation Six: Expand housing assistance at multiple levels

To maximize the chances of post-release success for all justice-involved individuals, it is crucial for the county to invest in a range of housing options, both long-term and short-term, that attend to the varying levels of need in the population.

⁶ Confirmed in an email from Victoria Tajzai on August 1, 2023 based on information given to her by Loretta Garcia at the Office of Human Rights.

For those who lack housing options upon release, do not have the option to reside with friends or family long-term, and need housing to stabilize financially, earmarked funds through the SHARP program and HOC set-asides for justice-involved individuals represent viable and promising solutions.

For those with more complex needs, the county should allocate resources for supportive housing programs. In this realm, both transitional housing models (such as reinstating the CORP program or designated rapid re-housing beds) and permanent supportive housing models (such as JISH) should be pursued.

Appendix

By the Book: Housing Laws in Montgomery County

The following is a list of current local laws and regulations in Montgomery County that impact the ability of justice-involved individuals to access housing.

- **Montgomery County Code, Chapter 27, Article I:** Chapter 27, Article I of the Montgomery County code prohibits discrimination in both residential and commercial real estate on the bases of race, color, religious creed, ancestry, national origin, sex, marital status, physical or mental disability, presence of children, sexual orientation, age, source of income and family responsibilities.
- **Housing Justice Act, Bill 49-20:** The Housing Justice Act (ban the box legislation) was passed in April 2021 to amend and add-on to Chapter 27, Article I of the Montgomery County Code. The Act bans landlords from running criminal background checks on prospective tenants until after they make a conditional offer of housing. It also bars housing providers from inquiring or making housing decisions based on certain arrests and low-level misdemeanors.
- **Housing Application Guidelines of the Housing Opportunities Commission of Montgomery County (HOC):** The purpose of the Housing Application Guidelines is to outline HOC's general application process and the requirements surrounding the credit and criminal background screening in accordance with the Montgomery County, Maryland Housing Justice Act.

Key Players in Reentry Housing

The following, while not exhaustive, is an overview of the relevant agencies and organizations involved in reentry housing in Montgomery County.

Department of Corrections and Rehabilitation (DOCR)

The DOCR is responsible for overseeing the Montgomery County Detention Center (MCDC), the Montgomery County Correctional Facility (MCCF), and the Pre-Release Center (PRC).

The MCCF is responsible for the custody and care of male and female adults in custody who are either in a pre-trial status or serving sentences of up to 18 months. The facility's current capacity is 1,028 inmates. Following an initial intake screening at MCDC, individuals are transferred to MCCF. Each incarcerated individual is assigned a case manager whose responsibilities include “facilitating successful community reintegration by aiding the offender with difficult decisions, making appropriate referrals, and providing general guidance.”⁷⁹ Reentry planning begins when someone is admitted to MCCF through a point of entry assessment. However, more formal reentry case management starts approximately six months prior to release.⁸⁰

Through the CORP Program, MCCF previously partnered with Montgomery County Coalition for the Homeless (MCCH) to place individuals in the county’s Coordinated Entry System (CES). An MCCH reentry specialist would come to the facility to conduct intake assessments with individuals in need of housing. This partnership allowed individuals to be entered into CES while still in MCCF rather than having to wait to enter CES after being released into an unstable housing situation. However, this partnership between MCCF and MCCH ended when the CORP Program concluded in 2018. Interviews with MCCF staff revealed that the burden falls on those released to locate housing. There are a few resources provided via the case managers, but the DOCR is lacking a more robust program to aid residents in securing stable housing.

The PRC is a 144-bed facility that provides evidence-based transitional services to soon-to-be released sentenced and incarcerated adults from the county’s two detention centers, and from state and federal prisons who are returning to Montgomery County and the larger Washington metropolitan area. Residents of the PRC are expected to seek employment in the community within 30 days of arrival and participate in various treatment programs. The PRC has six case managers, three work release coordinators, and two reentry assessment specialists.⁸¹ The Division requires program participants to work, pay room and board, file state and federal taxes, and address restitution and child support obligations. Each client works with a case manager and work release

coordinator to develop an individualized reentry plan that addresses their specific transitional needs including employment, housing, treatment, family, and medical services.⁸² For PRC residents without housing lined up upon release, they meet regularly with case managers to determine next steps. Case Managers also provide community passes for these residents to tour housing options.⁸³

For both facilities, residents must provide their case manager with an address of where they will be residing upon release.⁸⁴ As a result, some people may list an address they are not supposed to be living, such as a victim's address or an HOC program address where they are not technically on the lease, or end up "couch surfing."⁸⁵ If people do not have an address, they are released into homelessness and referred to the crisis center to be entered into the DHHS Homeless Management Information System (HMIS).

Department of Health and Human Services (DHHS) – Services to End and Prevent Homelessness (SEPH) Division

The mission of the SEPH Division of DHHS is to "make homelessness a rare, brief, and non-recurring event by operating from a Housing First philosophy."⁸⁶ SEPH provides a wide range of programs and services including housing stabilization, homeless diversion, emergency services (shelter, transitional housing), and permanent housing (rapid re-housing, permanent supportive housing). SEPH programs collaborate with public and private partners through the Interagency Commission on Homelessness. Since SEPH follows a Housing First philosophy, their programs are available to all individuals regardless of criminal record.

Interagency Commission on Ending Homelessness (ICH)

The ICH was established by the county to act on behalf of residents experiencing homelessness and to provide advice, counsel, and recommendations to the County Executive and County Council. The Commission serves as the governing board of the County's Continuum of Care (CoC)⁷, and duties include promoting a community-wide goal to end and prevent homelessness, developing a strategic plan, and reviewing and monitoring programs that are components of the CoC. The Commission recommends to the County Executive and County Council improvements to the CoC, educates the community about homelessness, and recommends and promotes partnerships with private

⁷ The CoC is Montgomery County's local homeless program planning network. It is a public-private partnership that includes County and other government agencies, non-profit service providers, landlords and others who have a role in the community's housing market. The purpose of the CoC is to encourage and support local organizations in coordinating efforts to address housing and homeless issues and reduce homelessness.

organizations, businesses, and foundations, or any state or federal government agency, to improve the County's ability to prevent and reduce homelessness.⁸⁷

The 25-member Commission includes representatives of the County's Departments of Health and Human Services and Housing and Community Affairs; the Office of the County Executive; the County Council; the Housing Opportunities Commission; the County's Legislative Delegation; representatives of government agencies and homeless service and other private organizations; at least one member who must be a homeless or formerly homeless resident of Montgomery County, and at least one representative each of a hospital or healthcare provider located in Montgomery County, a private philanthropic organization or foundation, and an affordable housing developer; and two general public members who are residents of the county.⁸⁸ In the past the Commission has included a member from the DOCR, but currently DOCR is not represented on the Commission.

Homeless Management Information System (HMIS)

DHHS CoC is the implementing organization for HMIS. HMIS is a local information technology system used to collect client-level data and data on the provision of housing and services to homeless individuals, families, and persons at risk of homelessness. It incorporates a set of policies and procedures around client confidentiality/privacy rights, data collection, computer entry, and reporting. HMIS is designed to aggregate client-level data to generate unduplicated counts of clients served in the community.⁸⁹

Office of Human Rights (OHR)

The OHR enforces the county's human rights laws in employment, public accommodation, and housing. The OHR provides educational training for the county's landlords, real estate professionals, property managers, lenders, other housing professionals, and the general public on the county's fair housing regulations.⁹⁰ The Compliance Section is the civil rights enforcement operation of the OHR. The Compliance Section receives, investigates, and resolves formal complaints of discrimination. This includes enforcement of the Ban the Box legislation.⁹¹

Interagency Fair Housing Coordinating Group

The Montgomery County Interagency Fair Housing Coordinating Group was established in 1987 by Chapter 27, Section, 27-26H of the Montgomery County Code. The Group holds monthly meetings that support this commitment to the principles and practices of fair housing and equal opportunity in Montgomery County. Its membership is comprised of representatives mandated by the Code from

local public agencies and commissions as well as from the private sector. These meetings are also open to the public for those with an interest in fair housing issues.⁹²

Housing Opportunities Commission (HOC) of Montgomery County

The HOC of Montgomery County provides affordable housing and supportive services that enhance the lives of low- and moderate-income families and individuals throughout Montgomery County, Maryland. HOC operates as an affordable housing agency, a housing finance agency, and a housing developer.⁹³

HOC has several rental assistance programs for the residents of Montgomery County. HOC's largest rental assistance program is their Housing Choice Voucher (HCV) program. HOC currently administers 7,144 tenant- and project-based vouchers which provide a rent subsidy to clients so they can afford safe and quality affordable housing in Montgomery County.⁹⁴ HOC's applicant screening guidelines are in compliance with the Housing Justice Act.

Other Organizations

It is important to note that nonprofits, shelters, and additional organizations also play an important role in providing housing to returning residents in Montgomery County.

The following is brief a list of other organizations that were mentioned during our interviews:

- Bethesda Cares
- Interfaith Works
- Montgomery County Coalition for the Homeless
- People Encouraging People
- Shepherd's Table.⁸

⁸ SEPH also has a list of partners on their website involved in ending homelessness in Montgomery County. The list is located here: <https://www.montgomerycountymd.gov/homelessness/partners.html/>.

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