

**HOUSE . . . . . No. 4071**

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The Commonwealth of Massachusetts

PRESENTED BY:

*Nika C. Elugardo*

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act securing housing options for eligible tenants with a history of criminal justice involvement.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Nika C. Elugardo</i>	<i>15th Suffolk</i>	<i>2/19/2021</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>2/24/2021</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>6/25/2021</i>
<i>Erika Uytterhoeven</i>	<i>27th Middlesex</i>	<i>1/31/2022</i>

**HOUSE . . . . . No. 4071**

By Ms. Elugardo of Boston, a petition (accompanied by bill, House, No. 4071) of Nika C. Elugardo, Lindsay N. Sabadosa and Jack Patrick Lewis that the Department of Housing and Community Development provide for programs, policies, guidelines, priorities and preferences for the housing of formerly incarcerated persons reentering communities. Housing.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Second General Court  
(2021-2022)

An Act securing housing options for eligible tenants with a history of criminal justice involvement.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 (i) Access to affordable housing promotes family stability upon a person’s reentry from  
2 incarceration in a correctional facility and for those currently experiencing housing instability  
3 related to former incarceration.

4 (ii) Stable and affordable housing allows formerly incarcerated persons to engage in  
5 community activism as positive role models. Reentry housing is the entryway for participation in  
6 community membership resulting in positive activism. The result of this investment are positive  
7 role models, mentoring, testimony, and often times, their volunteerism and employment act as a  
8 preventative measure that inspires neighborhood youth to believe in and pursue highly positive  
9 educational, civic engagement and job opportunities.

10 (iii) Improving access to stable, affordable, quality housing substantially increases the  
11 likelihood that a person reentering the community or a formerly incarcerated person will be able

12 to connect with existing family support, find and retain employment, and rebuild supportive  
13 social networks, reducing recidivism and increasing public safety.

14 (iv) People who have paid their debt to society should have the chance to reunify with  
15 their families and have a home where children can visit or live. Providing a true home for people  
16 with criminal justice histories helps families get back together, stay together, and provide support  
17 to each other. It helps parents care for and support their children, fostering intact families and  
18 strengthening parent-child bonds. Affordable housing promotes community cohesiveness by  
19 giving a person a place to belong with a built-in support structure to assist them as they navigate  
20 the process of reestablishing ties.

21 (v) The state's housing agency, the department of housing and community development  
22 must take the lead in providing for programs, policies, guidelines, priorities and preferences for  
23 the housing of incarcerated persons reentering commonwealth communities and formerly  
24 incarcerated persons who struggle to find housing because of a criminal record.

25 SECTION 2. Section 16I of chapter 6A of the General Laws, as appearing in the 2018  
26 Official Edition, is hereby amended by inserting after the word "secretary", in line 30, the  
27 following words:- and (iv) costs associated with the reentry and formerly incarcerated persons  
28 program established in section 31 of chapter 23B.

29 SECTION 3. Chapter 23B of the General Laws is hereby amended by adding the  
30 following section:-

31 Section 31. (a) There shall be a reentry and formerly incarcerated persons program  
32 administered by the department. The department shall be the central coordinating agency for the  
33 program. The department, in coordination with the department of correction, the office of

34 probation and the parole board shall help incarcerated people: (i) understand housing options  
35 before and after their release; (ii) find pathways to both short-term and permanent housing; and  
36 (iii) receive financial supports, such as housing vouchers, from the state. For the purposes of this  
37 section the term “understand housing options” shall include: (i) an ongoing effort by the  
38 department to evaluate and ensure such understanding; (ii) the department’s establishment of  
39 tools for instruction of such understanding; and (iii) evaluating outcomes in the understanding of  
40 housing options for incarcerated people. Such tools and evaluations shall include oral and written  
41 surveys, and setting guidelines and goals for measurable success based on the frame of reference  
42 of a formerly incarcerated person.

43         The department shall partner with established community based organizations with a  
44 record of working with reentry of incarcerated and formerly incarcerated persons to assist with  
45 positive outcomes and impacts. Such community based organizations should prioritize including  
46 affected populations, such as formerly incarcerated persons and their families, in the leadership  
47 of their organization.

48         The department, in coordination with other relevant state agencies, shall provide for  
49 housing, supportive programs and oversight of housing formerly incarcerated persons in any  
50 housing receiving funds administered by any state agency or regulated by the department. The  
51 department shall develop and implement outcome based measurements for the success of such  
52 housing, supportive programs and oversight.

53         (b) For any funds administered by the department, any state agency or any state authority  
54 for the purposes of providing for affordable housing, the department shall review implementation

55 of the program and the expenditure of funds, including tax expenditures, for the program no less  
56 than annually. The department's review shall include, but not be limited to:

57 (i) The number and demographic data of persons served by the program;

58 (ii) The compliance of each beneficiary of state funds for the purposes of the program  
59 and the state funds received regarding the preferences for persons served by the program; and

60 (iii) Any opportunities to improve the effectiveness of the program in meeting its  
61 purposes, intent or goals based on feedback and data gathered from formerly incarcerated  
62 persons, persons currently experiencing housing instability related to former incarceration and  
63 community based organizations, staff participants and partner agencies that serve such persons.

64 (c) Annually, the department shall submit a report of its review of the program, including  
65 but not limited to, the program's impacts and outcomes to the joint committee on housing and  
66 the joint committee on community development and small businesses and the clerks of the house  
67 of representatives and the senate.

68 SECTION 4. Subsection (a) of section 3 of chapter 23G of the General Laws is hereby  
69 amended by adding the following clause:-

70 (36) to provide for and assist any agency or authority of the commonwealth in providing  
71 housing opportunities for incarcerated persons about to be released from a correctional facility  
72 and for formerly incarcerated persons.

73 SECTION 5. Section 19 of said chapter 23G is hereby amended by inserting after the  
74 word "housing", in line 29, the following words:- ; provided that, such housing project assisted

75 by the agency shall include a priority and preference for incarcerated persons about to be  
76 released from a correctional facility and for formerly incarcerated persons.

77 SECTION 6. Subsection (b) of section 60 of chapter 40 of the General Laws, as  
78 appearing in the 2018 Official Edition, is hereby amended by inserting after the word “AMI”, in  
79 lines 121 and 125, the following words:- provided that, for any housing units assisted under this  
80 section, there shall be a priority for housing incarcerated persons about to be released from a  
81 correctional facility and for formerly incarcerated persons.

82 SECTION 7. Subsection (c) of section 60B of chapter 40 of the General Laws, as  
83 appearing in the 2018 Official Edition, is hereby amended by inserting after the word  
84 “agreement”, in line 80, the following words:- provided that, for any residential units constructed  
85 under this section, there shall be a priority for housing incarcerated persons about to be released  
86 from a correctional facility and for formerly incarcerated persons.

87 SECTION 8. Section 20 of chapter 40B of the General Laws, as appearing in the 2018  
88 Official Edition, is hereby amended by inserting after the word “affected”, in line 25, the  
89 following words:- provided however, that the regional need shall include affordable housing for  
90 reentry housing for low and moderate income incarcerated persons about to be released from a  
91 correctional facility and for formerly incarcerated persons.

92 SECTION 9. Section 4 of chapter 40H of the General Laws, as appearing in the 2018  
93 Official Edition, is hereby amended by inserting after clause (g) the following clause:-

94 (g<sup>1/2</sup>) to provide for and assist any CDC, state agency or state authority in providing  
95 housing opportunities for incarcerated persons about to be released from a correctional facility  
96 and for formerly incarcerated persons.

97 SECTION 10. Clause (i) of the first paragraph of section 5 of said chapter 40H, as so  
98 appearing, is hereby amended by inserting after the word “housing”, in line 24, the following  
99 words:- ; provided that, such project shall include a priority and preference for incarcerated  
100 persons about to be released from a correctional facility and for formerly incarcerated persons.

101 SECTION 11. Section 1 of chapter 40R of the General Laws, as appearing in the 2018  
102 Official Edition, is hereby amended by inserting after the word “rate”, in line 24, the following  
103 words:- provided however, that any such housing development shall include a priority for the  
104 housing of low and moderate income incarcerated persons about to be released from a  
105 correctional facility and for formerly incarcerated persons in any such development.

106 SECTION 12. Section 6 of chapter 40R of the General Laws, as appearing in the 2018  
107 Official Edition, is hereby amended by inserting after the word “housing”, in line 27, the  
108 following words:- provided however, that such ordinance or by-law shall include a priority for  
109 the housing of low and moderate income incarcerated persons about to be released from a  
110 correctional facility and for formerly incarcerated persons in any such projects.

111 SECTION 13. Subsection (a) of section 4 of chapter 40V of the General Laws, as  
112 appearing in the 2018 Official Edition, is hereby amended by inserting after clause (i) the  
113 following clause:-

114 (ii) provides that, for any residential units constructed under this chapter, there shall be a  
115 priority for housing incarcerated persons about to be released from a correctional facility and for  
116 formerly incarcerated persons.

117 SECTION 14. The definition of “Community housing” in section 2 of chapter 44B of the  
118 General Laws is hereby amended by adding the following sentence:- Community housing shall

119 include a priority and preference for incarcerated persons about to be released from a  
120 correctional facility and for formerly incarcerated persons.

121 SECTION 15. Subsection (s) of section 6 of chapter 62 of the General Laws, as  
122 appearing in the 2018 Official Edition, is hereby amended by adding the following paragraph:-

123 (7) In allocating tax credits pursuant to this section or the federal Low Income Housing  
124 Tax Credit program of the Tax Reform Act of 1986, the department shall include in its Qualified  
125 Allocation Plan a requirement of a priority and preference for all applications for credits for  
126 reentry housing opportunities for incarcerated persons about to be released from a correctional  
127 facility and for formerly incarcerated persons.

128 SECTION 16. Section 31H of chapter 63 of the General Laws, as so appearing, is hereby  
129 amended by adding the following subsection:-

130 (k) In allocating tax credits pursuant to this section or the federal Low-Income Housing  
131 Tax Credit program of the Tax Reform Act of 1986, the department shall establish in its  
132 Qualified Allocation Plan a requirement of a priority and preference category for all applications  
133 for credits for reentry housing opportunities for incarcerated persons about to be released from a  
134 correctional facility and for formerly incarcerated persons.

135 SECTION 17. Section 32 of chapter 121B of the General Laws, as appearing in the 2018  
136 Official Edition, is hereby amended by inserting after the word “regulations”, in line 144, the  
137 following words:- ; and (4) persons released from a correctional facility within the last 2 years.

138 SECTION 18. Subsection (b) of section 3 of chapter 121D of the General Laws is hereby  
139 amended by adding the following paragraph:-



140           The fund shall provide for a requirement of a priority and preference category for all  
141 applications for any expenditure from the fund, to an organization, for reentry housing  
142 opportunities for incarcerated persons about to be released from a correctional facility and for  
143 formerly incarcerated persons.

144           SECTION 19. Subsection (a) of chapter 121E of the General Laws, as appearing in the  
145 2018 Official Edition, is hereby amended by inserting after the word “individuals”, in line 11, the  
146 following words:- and reentry housing opportunities for incarcerated persons about to be released  
147 from a correctional facility and for formerly incarcerated persons.

148           SECTION 20. Subsection (a) of section 3 of chapter 121F of the General Laws, as so  
149 appearing, is hereby amended by inserting after the word “income” in line 35, the following  
150 words:- ; and provided further that for such persons, there shall be a priority for housing  
151 incarcerated persons about to be released from a correctional facility and for formerly  
152 incarcerated persons.

153           SECTION 21. Section 3 of chapter 121G of the General Laws, as so appearing, is hereby  
154 amended by inserting after the word “regulations”, in line 17, the following words:- ; provided  
155 that, for any housing units funded under this section, there shall be a priority for housing  
156 incarcerated persons about to be released from a correctional facility and for formerly  
157 incarcerated persons.

158           SECTION 22. Section 4A of chapter 788 of the acts of 1966 is hereby amended by  
159 adding the following paragraph:-

160 (q) Provide for and assist any agency or authority of the commonwealth in providing  
161 housing opportunities for incarcerated persons about to be released from a correctional facility  
162 and for formerly incarcerated persons.

163 SECTION 23. Section 7 of chapter 788 of the acts of 1966 is hereby amended by adding  
164 the following sentence:- Notwithstanding any other provision of this section, tenant selection  
165 plans shall include a priority and preference for incarcerated persons about to be released from a  
166 correctional facility and for formerly incarcerated persons.

167 SECTION 24. Section 1 of chapter 99 of the acts of 2018 is hereby amended by inserting  
168 after the words “with disabilities” the following words:- ; to create reentry housing opportunities  
169 for incarcerated persons about to be released from a correctional facility and affordable housing  
170 units for formerly incarcerated persons.

171 SECTION 25. Section 2 of chapter 99 of the acts of 2018 is hereby amended in item  
172 7004-0058 by adding the following words:- ; provided further, that there shall be a priority for  
173 such beneficiaries who are incarcerated persons about to be released from a correctional facility  
174 and who are formerly incarcerated persons.

175 SECTION 26. Notwithstanding any general or special law, rule or regulation to the  
176 contrary the department, in its capacity as a public housing agency shall, pursuant to section  
177 3202 of Public Law 117-7, the American Rescue Plan Act of 2021, implement a priority for  
178 emergency housing vouchers for incarcerated persons about to be released from a correctional  
179 facility and for formerly incarcerated persons.