HOUSE DOCKET, NO. 4041 FILED ON: 2/19/2021

HOUSE . . . . . No. 4071

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:
Nika C. Elugardo	*15th Suffolk*	*2/19/2021*
Lindsay N. Sabadosa	*1st Hampshire*	*2/24/2021*
Jack Patrick Lewis	*7th Middlesex*	*6/25/2021*
Erika Uyterhoeven	*27th Middlesex*	*1/31/2022*

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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:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(g½) to provide for and assist any CDC, state agency or state authority in providing housing opportunities for incarcerated persons about to be released from a correctional facility and for formerly incarcerated persons.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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