

**Testimony of the Western Massachusetts Network to End Homelessness**  
**May 28, 2015**  
**Submitted by Pamela Schwartz, Director**

**Our mission**

The Western Massachusetts Network to End Homelessness, launched in 2009, serve the four Western counties, including Hampden, Hampshire, Franklin and Berkshire, from Springfield to Pittsfield and dozens of rural communities in between. Its mission is to *create collaborative solutions to end homelessness through a housing first approach that prioritizes prevention, rapid re-housing and housing stabilization.*

Why we are here today:

*John was a 14 year old ward of the Department of Social Services when he was convicted of sexual relations with a 12 year old. At age 29, he was convicted of larcenies, drug possession and failure to register. At that time he was classified as a Level 3 sex offender. He served 4 years, 3 months, participated in extensive treatment while in jail and was placed on lifetime parole supervision. At 33 years old, he had not re-offended sexually since age 14. Upon release in 2013, due to his Level 3 status and lifetime parole, he was banned from living with his close friend in Springfield because that friend had a 16 year old daughter at home. He was forced to relocate 40 minutes from all familiar support services and relationships and was unable to participate in Springfield's After Incarceration Support Services. Since that time, he has been charged with failure to register and larceny over \$250.*

**Our Network Partners**

Our Network includes over 200 participating partners including:

- Senate President Stan Rosenberg, Senator Ben Downing, Representative Peter Kocot and Representative Aaron Vega;
- 7 Western MA mayors and town managers;
- Faith leaders;
- Bank and other business leaders;
- Community college presidents and staff;
- Regional employment boards and career centers;
- Housing, child care and health care providers

**Our Structure**

Our Network structure includes a Leadership Council of 60 community leaders from every community sector; Family Services Committee; Individual Services Committee; Work Group to House People with Sex Offense Histories; Secure Jobs Advisory Committee (a jobs program for homeless families); Unaccompanied Homeless Youth Committee and Veterans Committee.

## **Work Group to House People with Sex Offense Histories**

The Work Group to House People with Sex Offense Histories was formed in 2011, in direct response to increasing homelessness among sex offenders due to lack of housing options. The mission of the work group is: *to maximize the safety of children, women and vulnerable others by minimizing the potential for re-offense through the identification and development of stable housing options for registered sex offenders who are committed to a positive and offense-free life.*

Housing Sex Offenders Work Group Members include:

- Hampden, Hampshire, Franklin and Berkshire Sheriff Departments;
- Springfield and Northampton Police Departments;
- Faith organizations across the region, including churches, the Catholic Diocese and synagogues;
- Mental health and substance abuse treatment centers;
- Cooley Dickinson Hospital and Mercy Medical Center;
- Housing and elder home care agencies

### **Why we are here today:**

*Adam is now age 73 and suffers from Parkinson's Disease, COPD, diabetes, dementia, chronic kidney disease and requires extensive assistance with all activities of daily living. He was released from prison in 2007, following conviction for a sexual relationship with a 14 year old neighbor. He was deemed a Level 3 offender. Upon release, Adam was deposited by corrections officers at Friends of the Homeless shelter in Springfield without medications. He was eventually transferred to a rest home but was asked to leave due to his Level 3 status. He now lives in a group home and pays \$1,224 monthly, an amount that precludes his capacity to pay for other life expenses. Adam's condition has worsened markedly; he relies on a walker to ambulate and cannot use utensils due to his tremors. Adam has not engaged in any criminal activity since his release in 2007, and was released from probation requirements this past December. His Level 3 status prohibits him from living in an elder subsidized housing complex and from becoming a resident of a skilled nursing facility. Between May 2014 and May 2015, Adam was admitted to the hospital 9 times and had 4 emergency room visits. An effort was made to re-level Adam in 2013. His case was transferred to Boston and it is still pending due to a "backlog at SORB." He does not have the intellectual capacity to represent himself and SORB does not provide counsel for indigent clients.*

### **Current Law**

Under the current federal public housing law, any offender who is subject to lifetime sex offender registration in the state in which he resides is ineligible for admission to federal public housing (42 USCS Section 13663). State public housing law, however, is discretionary. An applicant could be disqualified if the "applicant or the

household member in the past has engaged in other criminal activity...which if repeated...would interfere with or threaten the rights of other tenants to be secure in their persons or their property or with the rights of other tenants to their peaceful enjoyment..." (G.L.C. 121B Section 32)

### **Promoting Public Safety Through Housing**

The fear and concern for public safety makes sense. Current practices and policies regarding housing and employment restrictions do not. Instead, they inadvertently increase the risk of harm to the public.

*"...Sex offenders without positive social support systems and stable employment recidivate at higher rates than those with jobs or ties to the community."* (Levenson, 2008)

### **Destabilizing Factors**

Homelessness among sex offenders causes destabilization that can increase the risk of re-offense:

- Increases lifestyle instability and transience
- Fosters isolation and pushes sex offenders away from:
  - Social services and supports
  - Employment
  - Public transportation
- Increases risk of substance abuse and criminal associations
- Creates seemingly insurmountable barriers to successful community re-integration

### **Best Practices**

An increasing number of national and local models exist that meet the complex problem of housing sex offenders in the community while maximizing public safety.

Here in Massachusetts:

- St Francis House, Boston
- The Majestic Apartment Building, Springfield: Managed for 38 years by Rosa with support from probation, law enforcement and community service providers. 42 housing units, over 25 tenants are sex offenders; tenant behavior is excellent and only 1 tenant may have re-offended in 38 years.

## Our Work Group's Goals

- Bring to the forefront evidence-based, best practices in housing sex offenders and providing education and training to the broader community.
- Develop criteria to assist local housing providers in determining suitable housing for ex offenders.
- Engage and train local housing providers on best practices regarding public safety and housing sex offenders.
- Change housing provider policy from a blanket ban to case-by-case determinations regarding sex offenders.

## Proposed Criteria for Housing Sex Offenders

*Available only to single adults seeking individual (non-family) housing:*

- On probation or parole
- Attached to services such as sex offend-specific treatment, mental health and/or substance abuse treatment as deemed necessary
- Designated community or agency contact person for communications regarding tenancy
- Committed to living an offense-free life

## Housing Providers Responded

Five major housing providers in Western MA attended three meetings that included training by Dr. Laurie Guidry and review of the proposed criteria and intensive discussion.

*Consensus: Until state policy changes and reflects evidence-based practices, housing providers do not feel they are sufficiently supported by the State to house sex offenders. The fear of liability outweighs understanding of current evidence and best practices. They need the State to provide leadership before they consider changing their policy of a complete ban on housing sex offenders.*

## Proposed Action Steps

- Create Advisory Board to propose policy change that reflects evidence-based, best practices around the leveling system.
- Advance the dialogue and education regarding public safety in relationship to housing and employment practices for sex offenders: **Housed and Employed Equals a Safer Community.**
- Review and reform state housing policies to move away from absolute ban and implement case-by-case decision-making based on evidence-based criteria.

Why we are here today:

Daniel became homeless at 15 years old. His father was convicted of a sex offense and sentenced to 30 years. His mother was unable to care for him. He survived living on the streets and selling drugs. At 18 years old, Daniel was convicted of rape of a child and deemed a Level 3 sex offender. He was released in 2012 and had nowhere to go but in and out of shelters. Family members and friends refused to take him in because of the random police checks that occurred, finding them threatening and invasive. Daniel was forced to pay extra for the “hassles” of housing sex offender to a landlord/acquaintance who provided him a place to stay. Daniel returned to jail in 2013 because “selling drugs felt like the only thing to do to support” himself. He was also charged with failing to register as a sex offender (found it especially difficult to do since homelessness required registering every 30 days). Daniel will be released in 2017. He turned himself around in jail this time and is attending school for his GED and is pursuing job training in jail so he can get out and get a “real job.” Daniel does not want to return to crime ever again but is very worried about the impact of his Level 3 status on his capacity to find a home or a job. “I don’t want to get out and be forced to go back to the streets to sell drugs so I can afford to pay for a place to live.”