

Chairman Spencer Bachus
House Financial Services Committee
2129 Rayburn HOB
Washington, DC 20515

Ranking Member Barney Frank
House Financial Services Committee
B301-C Rayburn HOB
Washington, DC 20515

March 21, 2012

Chairman Bachus and Ranking Member Frank:

The undersigned organizations urge that you review and work to amend a particularly troublesome provision of the Affordable Housing and Self-Sufficiency Improvement Act of 2011 (“AHSSIA” or “the Act”) which, while drafted to enhance public safety, will actually work to reduce it. The bill would require federally-assisted public housing authorities to terminate federal housing assistance to current tenants subject to a lifetime sex offender registry, together with their families. Specifically, Section 108(c) of the Act, as proposed, provides that “an owner of federally-assisted housing shall terminate assistance to, and any lease or right to occupancy of housing by, any household that includes an individual subject to a lifetime registration requirement under a State sex offender registration program.” Under current federal law, the decision to terminate rests with the owner, who is in the best position to determine whether a current tenant poses a threat to neighbors and other residents. We ask that you support an amendment that preserves the owner’s discretion to terminate assistance and requires that, before benefits are taken away, individual determinations be made regarding a given registrant’s fitness to remain in the residence. Otherwise, the Act will result in the wholesale eviction of families and individuals with no other means to obtain housing.

Despite the Act’s purported efforts to increase public safety, destabilizing individuals who have established connections to communities, and to medical treatment and counseling, each critical to avoiding recidivism, works to disrupt public safety rather than support it. In particular, the evictions required under the Act—and the epidemic of homelessness that is likely to follow—would add a layer of complication to the lives of registrants and their families that would make it very difficult for them to engage consistently in precisely the kinds of activities that nurture rehabilitation. In addition, in the absence of a permanent address, it will become more difficult for state authorities to monitor newly-homeless registrants’ whereabouts and activities. This, in turn, will lead to increased uncertainty within our communities regarding the movement of registrants from one jurisdiction to another—one of the central problems Congress sought to address through the Adam Walsh Child Protection Safety Act of 2006 (“Adam Walsh Act”).

Moreover, mandating termination of assistance to current tenants subject to a lifetime sex offender registration requirement leads to unfair results. Existing law bars from federally-assisted housing families that include a member subject to a lifetime sex offender registration requirement. However, there are many registrants currently receiving such assistance, primarily because they were lawful recipients of their housing benefits prior to becoming subject to their states’ lifetime registration laws. The large majority of these registrants are in good standing with their housing authorities and have not engaged in any behavior that would warrant eviction. Most are desperately poor and have used federal assistance to help pay for housing they would

not otherwise be able to afford. For many individuals, as well as their innocent family members, government-mandated eviction would result in certain homelessness.

A recent federal District Court decision discusses the ill effects that mandatory termination of federal housing assistance would wreak. A local housing authority sought to terminate housing assistance to a disabled Missouri man whose registration requirement was imposed administratively over a year after he obtained the assistance.¹ After serving approximately 14 years in prison for a crime committed 37 years ago, this resident applied for Section 8 voucher assistance with the Housing Authority of St. Louis County (“HASLC”). He was approved for a voucher in 2009 and has since used it to pay his rent. It was only after being admitted to the voucher program that this resident learned from his parole officer that he was required to register as a sex offender due to new registration requirements imposed when Missouri amended its registration legislation to comply with the Adam Walsh Act,² which includes the Sex Offender Registration and Notification Act (SORNA).³ HASLC thereafter issued him a notice proposing termination of his voucher, and he was forced to file suit in order to avoid eviction and certain homelessness. The court determined not only that current law did not permit the termination, but considered a number of factors, as permitted under the current law, including the resident’s indigency, poor health, and long-standing compliance with his parole terms, before granting a preliminary injunction prohibiting HASLC from terminating his assistance.⁴

Under the proposed legislation, this resident, despite his desperate circumstances, would have had no recourse, and would have found himself on the street with no prospect of any place to call home.

The undersigned groups realize that the individuals targeted by this proposed legislative amendment are unpopular. But it makes no sense from a public safety standpoint to thrust registrants and their families into immediate crisis, particularly those who have found stability in supportive housing environments, by terminating their housing assistance. We therefore ask that the proposed legislation be modified to allow public housing agencies to maintain discretion to provide assistance as they deem appropriate after a full and fair hearing, to registrants currently receiving benefits. To do otherwise will create a new cadre of homeless amongst the very individuals and families who most need the stability, access to treatment options, and community support that come with a solid and safe home environment. This, in turn, would lead inevitably to increased safety concerns for the general public, as well as additional costs to the states as they struggle to maintain contact with registrants who have been rendered homeless. Please therefore reconsider these provisions, and amend the bill as necessary.

Sincerely,

¹ *Perkins-Bey v. Housing Auth. of St. Louis Cty.*, 2011 U.S. Dist. LEXIS 25438,

² 42 U.S.C. § 16913(d) (Westlaw January 19, 2012). Missouri had enacted a sex offender registry statute known as “Megan’s Law,” which became effective in 1995. MO. REV. STAT. §589.400 *et seq.* The law imposed registration requirements on persons convicted of certain felonies after July 1, 1979. Perkins-Bey was not subject to registration requirements since his offense took place prior to July 1, 1979.

³ SORNA provides a set of minimum standards for sex offender registration and notification and requires that certain sex offenders register with the state sex offender registry system where the sex offender resides. However, depending on the state where one resides, the timeframe for registry still varies greatly. In Missouri, for example, lifetime registry is the only option. By contrast, Illinois’ Sex Offender Registration Act allows registration for less than a lifetime in some cases. 730 ILL. COMP. STAT. 150/1 *et seq.*

⁴ *Perkins-Bey*, 2011 U.S. Dist. LEXIS 25438, at *6-7.

Advocacy, Reentry, Resource, Outreach
Lansing, Michigan

American Civil Liberties Union
Washington, District of Columbia

Bronx Defenders
Bronx, New York

Center for Civil Justice
Saginaw, Michigan

Center for Community Alternatives
Syracuse, New York

Citizens United for Rehabilitation of Errants Federal Prison Chapter (FedCURE)
Plantation, Florida

Community Service Society
New York, New York

Connecticut Legal Rights Project
Middletown, Connecticut

Council on Crime and Justice
Minneapolis, Minnesota

Desiree Alliance
Fort Smith, Arizona

East Bay Community Law Center
Berkeley, California

Fair Chance Coalition to Ban the Box
Lansing, Michigan

FedCURE
Plantation, Florida

Greater Hartford Legal Aid
Hartford, Connecticut

H.I.R.E. Network
New York, New York

Housing Rights Committee of San Francisco
San Francisco, California

Human Rights Watch
New York, New York

International CURE
Washington, District of Columbia

Law Foundation of Silicon Valley
San Jose, California

Legal Action Center
New York, New York

Michigan Chapter of Citizens United for Rehabilitation of Errants (MI-CURE)
Kalamazoo, Michigan

Michigan Council on Crime and Delinquency
Lansing, Michigan

MN Second Chance Coalition
Minneapolis, Minnesota

National Housing Law Project
Oakland, California

National Law Center on Homelessness and Poverty
Washington, District of Columbia

Neighborhood Defender Service of Harlem
New York, New York

Ohio Poverty Law Center
Columbus, Ohio

Prison Empowerment Ministries
Flint, Michigan

Public Justice Center
Baltimore, Maryland

Rhode Island Public Defender
Providence, Rhode Island

RS EDEN

Minneapolis, Minnesota

Sargent Shriver National Center on Poverty Law
Chicago, Illinois

Somerville Homeless Coalition
Somerville, Massachusetts

The Sentencing Project
Washington, District of Columbia

Women's ReEntry Network
Tucson, Arizona

Youth Represent
New York, New York

180 Degrees, Inc.
Minneapolis, Minnesota

Cc: House Financial Service Committee Members