

Vera Institute of Justice

Criminal Justice Issues and Prisoners' Rights

<https://www.vera.org/blog/illinois-bill-makes-history-highlights-criminalization-to-homelessness-pipeline>

Public Facing Advocacy Writing

On January 13, the Illinois General Assembly unanimously passed the Public Housing Access Bill as part of the Illinois Legislative [Black Caucus agenda](#). By passing this legislation, Illinois became the first state in the nation to remove long-standing barriers that have prevented many people with criminal convictions from living in public housing.

Why is this a big deal? The bill limits public housing authorities ability to refuse housing to people who have a criminal history including arrests and expunged, sealed, or juvenile records. It also sets a six month look-back period from the day of application to limit the amount of time public housing authorities can consider for a criminal background check. The bill further removes restrictions that make people in reentry ineligible to apply for public housing and provides applicants with an opportunity to present mitigating circumstances before being denied because of their background. In short, it improves equity and access to affordable housing for people who need it.

The importance of this legislation, which was advocated for by the [Restoring Rights and Opportunities Coalition of Illinois](#), cannot be overstated. It becomes both physically and psychologically exhausting to seek permanent housing when property owners are unwilling to assist returning community members because of background checks, credit history, government issues, overcrowding at a dwelling, lack of nourishment, and/or lack of funds.

Even when not in a pandemic, experiencing homelessness is closely connected to a [decline in physical and mental health](#). For people with criminal records, the risk of homelessness is staggering, and it only increases their likelihood of further interaction with the criminal legal system. [More than 25 percent](#) of people experiencing homelessness report being arrested for an activity that was directly related to their homelessness. Because of this relationship, a formerly incarcerated person is nearly [10 times more likely](#) to experience homelessness than the general public.

Being unable to provide an address also poses a challenge to securing employment and becoming self-sufficient. Once people have access to housing, all the obstacles named above won't continue to be obstacles to one's successful reentry.

In addition to addressing matters of public health and housing security, the Illinois bill helps to dismantle the systemic racism sustained by the current public housing system. Across the United States, Black and Latinx people are policed, arrested, convicted, and incarcerated [at rates disproportionate](#) to their share of the population. In Illinois, Black people make up [14.6 percent of the population](#) but 45.3 percent of those convicted of crimes, and [a recent study in the state](#) found that there are more than 40 laws that create permanent barriers to housing for people with records. The same study found a total of 1,189 laws in Illinois that punish those with criminal records primarily in the areas of housing, employment, and education. Many of these laws create indefinite barriers, operating as permanent punishments for people seeking to overcome their records.

Municipalities have significant discretion to determine and limit access to affordable housing for marginalized communities. But when housing is so closely connected to matters of public health, racial justice, and reentry success, states need to identify appropriate remedies and set standards to protect its citizens as Illinois has done here.

Affordable housing helps people and communities thrive. Illinois may be the first state in the country to develop a policy like this, but it should not be the last. Advocates have worked hard to acknowledge that [housing is a human right](#) that saves lives, and it is time for other states to adopt similar legislation and ensure their most marginalized residents have an equal and equitable ability to come home.

Destiny Carter, JD is a policy specialist with the Chicago Coalition for the Homeless. Advocating for statewide criminal justice reform and reentry initiatives, she sits as a member of the Restoring Rights and Opportunities Coalition of Illinois, a coalition dedicated to strategically removing barriers for individuals with criminal records.

Nelson Gonzalez is a grassroots leader with the Chicago Coalition for the Homeless. Nelson is a tireless advocate and works hard to assist other returning citizens in getting the resources they need to get back on their feet.

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