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Impact Evaluation Study of the Oakland and Berkeley Fair Chance Housing Ordinances, Preliminary Survey Results

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Research Study: Impact Evaluation Study of the Oakland and Berkeley Fair Chance Housing Ordinances utilizing Mixed Methods

Preliminary Results: Survey data of Formerly Incarcerated housing applicants in Oakland & Berkeley and Housing Providers in Oakland & Berkeley

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BACKGROUND

The only place in America where one is guaranteed a roof over their head is in prison/jail. The proposed Fair Chance Housing Ordinance will take steps towards addressing the major intersection of Mass Incarceration and Housing barriers- BOTH resulting from policies and programs that were created and/or sanctioned by government- locally, statewide and nationally. In addition to constituting a human right, housing is also a Public Health and Public Safety issue. The impact of having a criminal record severely harms and impacts those who have never been arrested, including the children, parents, partners, and loved ones of those who are formerly incarcerated. Just as criminal records cannot and do not strip one of the legal duty of paying taxes, neither legally should having a criminal record strip anyone of one of the most quintessential elements of human rights- and that is housing.

John Jones III, Fair Chance Housing Campaign Director

In January 2020, the Oakland City Council adopted a Fair Chance Housing Ordinance (FCHO) prohibiting the consideration of criminal histories in screening applications for rental housing. The City Council requested that an impact evaluation study be conducted to assess the effectiveness of the FCHO. Our research team, UC Berkeley researchers and Community Scholars who were UC Berkeley formerly incarcerated students, was formed to conduct a research study of the Oakland FCHO, as well as the similar ordinance that the City of Berkeley adopted in February 2020. This report contains preliminary results from surveys conducted in 2023 and 2024 with 97 formerly incarcerated individuals who sought housing in Oakland and Berkeley, as well as surveys conducted in 2024 with 95 Oakland and Berkeley housing providers. A report with final evaluation results will be available in summer 2025.

The City Council's public policy purposes included: (1) increase access to housing for formerly incarcerated individuals and their family members; (2) reduce homelessness and family separation that result from blanket exclusion of housing applicants based solely on criminal background checks; (3) reduce recidivism by removing structural barriers to stable housing; and (4) provide formerly incarcerated people with a fair opportunity to reclaim their lives and effectively integrate into the Oakland community.¹

The City Council action occurred after hearing public testimony from people with a criminal record, their family members, and re-entry service providers regarding the extensive barriers to accessing all forms of housing. Access challenges occurred in both publicly subsidized and private rental housing, regardless of income and employment status. The City Council also heard about the inability of people with a criminal record to live with family members who had rental agreements prohibiting the presence of someone with a criminal record; thus compromising the important re-entry strategy of family reunification.

The City Council reviewed fair chance housing policies adopted by other jurisdictions, including ones that had less restrictive requirements and permitted the use of a criminal background check later on in the process. The City Council also reviewed accompanying reports and public testimony regarding evidence on why a less restrictive Fair Chance Housing policy would be infeasible and not advance the City's public policy goals. Evidence included reports on the inaccuracies and misleading information of criminal database

¹ City of Oakland Agenda Report, Fair Chance Housing Ordinance, January 2, 2020.

records used by housing providers and that information about criminal records would likely bias a housing provider from renting to a formerly incarcerated applicant.

SUMMARY OF FAIR CHANCE HOUSING EVALUATION STUDY

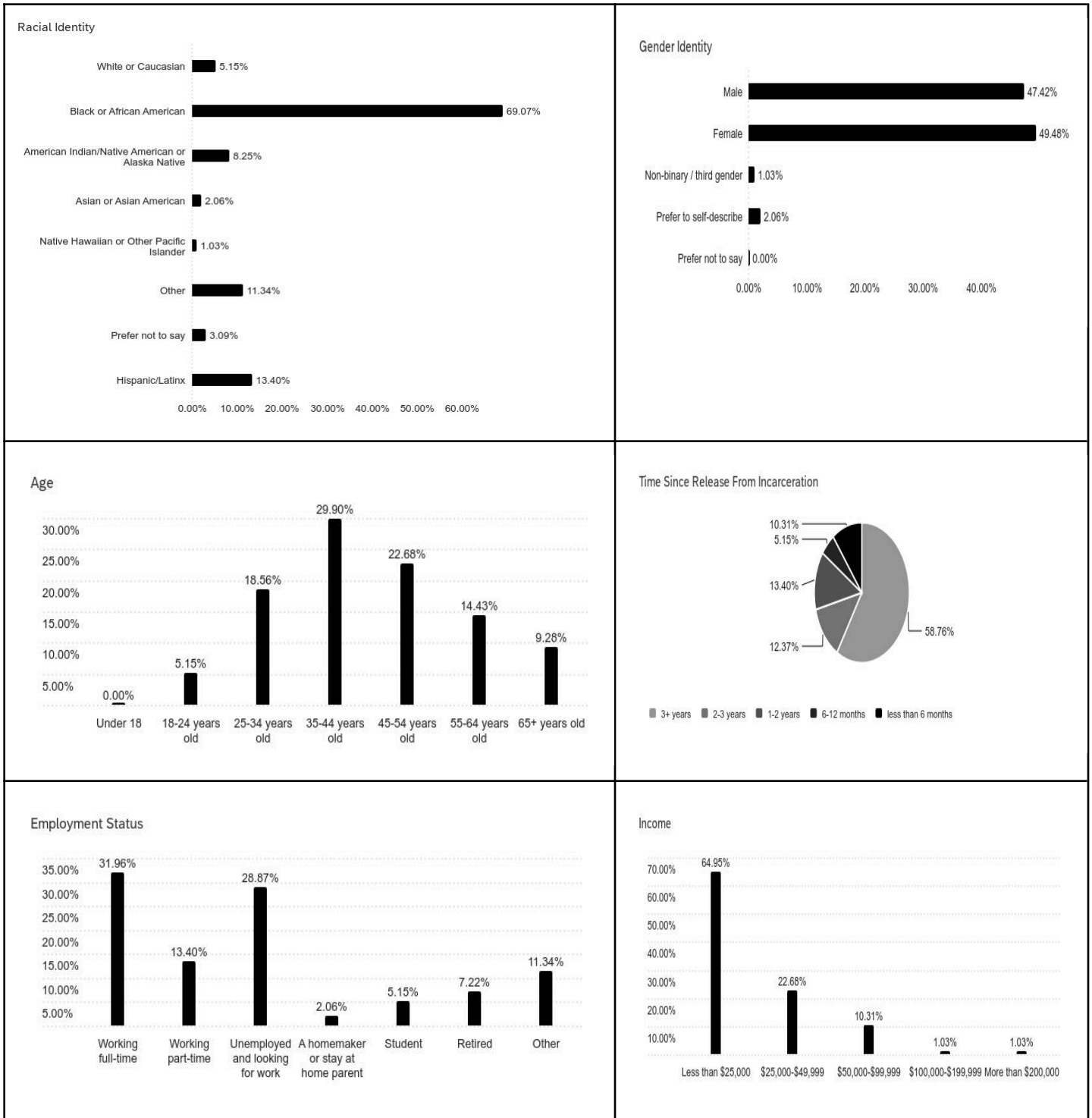
The Fair Chance Housing Evaluation Study (FCH study) is funded by Alameda County Probation Department and the Charles & Lynn Schusterman Foundation. Led by UC Berkeley principal investigators Margaretta Lin and Charisma Acey, the FCH study utilizes mixed methods research to examine the effectiveness of the Oakland and Berkeley FCHO. The primary research questions are:

- How and to what extent do fair chance housing public policies reduce racial and ethnic disparities in post-release housing access for formerly incarcerated people?
- Does eliminating the ability of housing providers to conduct criminal background checks result in increased racial discrimination or other unintended consequences by housing providers?
- What is the role of race and/or ethnicity in post-release reentry outcomes in Alameda County in relationship to other mediating factors such as immigration status, family status, employment, income levels, and access to services in affecting reentry outcomes?
- What is the role of hope in racial and ethnic differences in relationship to other mediating factors including housing and employment access and its effect on reentry outcomes?

This mixed methods study includes both qualitative and quantitative research methods: conducting literature review; two years of surveys from both diverse formerly incarcerated individuals who sought housing in Berkeley and Oakland and Berkeley and Oakland housing providers; interviews and focus groups with formerly incarcerated individuals, housing providers, re-entry service providers, and Probation officers; and review of Alameda County Probation data. Survey questions were informed by focus groups with formerly incarcerated individuals utilizing the principles of Community Based Participatory Action Research, and an extensive review process with feedback from housing provider representatives. An important part of the survey methodology was to reach racial/ethnic, age, gender, and income diversity of formerly incarcerated people, as well as to reach a mix of housing provider types (publicly subsidized housing providers versus private rental housing providers, and small versus larger housing providers).

Formerly incarcerated individual surveys were conducted through outreach to re-entry providers including Alameda County Probation, Berkeley Oakland Support Services (BOSS), All of Us or None, Asian Prisoners Support Committee, and Communities United for Restorative Youth Justice (CURYJ). Housing provider surveys were conducted through outreach to the Cities of Berkeley and Oakland, the Berkeley Property Owners Association, and the East Bay Rental Housing Association.

Demographics of Surveys from People with a Criminal Record: 97 Respondents



Demographics of Housing Providers Surveyed: 95 Respondents

<u>Geographic Location:</u>	<u>Type of Provider:</u>	<u>Size of Provider:</u>
• 41% Oakland (39) • 29.5% Berkeley (28) • 29.5% Both Berkeley & Oakland (28)	• 84% private, not publicly subsidized (79) • 23% Section 8 providers (22) • 17% for profit affordable housing (16) • 5% nonprofit affordable housing (5) • 4% Housing Authority operated units (4)	• 66% Triplex, Duplex, Single Family (62) • 35% 4-10 units (33) • 13% 11-20 units (12) • 14% 21 plus units (13)

Research Study Question 1: Did the Berkeley and Oakland Fair Chance Housing Ordinances Result in Access to Housing for People with a Criminal Record?

- Preliminary research results show that significant numbers of formerly incarcerated people, 63% of survey respondents (61 out of 97), have experienced positive outcomes from the FCH ordinances.
 - 27 individuals stated that they had secured housing in Berkeley and Oakland after the FCHO had passed; 4 individuals had secured housing before and after the FCHO passed; and 9 individuals had secured housing before the FCHO passed.
 - 41% of the respondents who found housing after the FCHO passed were able to apply for and rent their own housing and 9% of these respondents were able to live with family members or other people without jeopardizing their lease agreements.
 - 30 individuals stated they had a positive outcome even though they did not secure housing in Berkeley or Oakland. Additional information will be examined in follow up interviews and focus groups.
- Prior to the passage of the FCH ordinances, only 9% of respondents (9 people) had found housing in Berkeley and Oakland, compared to 28% of respondents (27 people) after the passage of the FCH ordinances. The FCHO resulted in a tripling in the number of formerly incarcerated people who found housing in Berkeley and Oakland.
- In addition, another group of survey respondents, 58%, indicated that the passage of the FCH ordinances made them more hopeful about their future chances for securing housing in Berkeley or Oakland. We know from lived experiences and research² that hope is a powerful tool in human efforts to improve one's current conditions, which can contribute to future housing and employment stability and family reunification, which are all important ingredients for successful re-entry.³

² E.g., Snyder, C. R. (2002). TARGET ARTICLE: Hope Theory: Rainbows in the Mind. *Psychological Inquiry*, 13(4), 249–275.

³ Herbert C. W., Morenoff, J. D., & Harding, D. J. (2015). Homelessness and Housing Insecurity Among Former Prisoners. *RSF*. 1(2), 44-79; Jacobs, L. A., & Gottlieb, A. (2020). The Effect of Housing Circumstances on Recidivism: Evidence From a Sample of People on Probation in San Francisco. *Criminal Justice and Behavior*, 47(9), 1097–1115; Kirk, D. S., et al. (2017). The Impact of Residential Change and Housing Stability on Recidivism: Pilot Results from the Maryland Opportunities through Vouchers Experiment (MOVE). *Journal of Experimental Criminology*, 14(2), pp. 213-26; Urban Institute. (2012). Supportive Housing for Returning Prisoners: Outcomes and Impacts of the Returning Home-Ohio Pilot Project, p. Vii.

- Berkeley and Oakland housing providers surveyed reported a high degree of compliance with the FCH ordinances. 80% of all housing provider respondents (95 housing providers) reported that they did not conduct criminal background checks after the FCH ordinances passed.
 - Out of the housing providers who were exempt from the FCH ordinances because they live in owner occupied triplex or below properties (18 housing providers), there was a 100% reported compliance rate.
 - Out of the housing providers who were not exempt from the FCH ordinances (77 housing providers), there was a 75% reported compliance rate.
 - Regarding the geographic difference between non-exempt housing providers: Berkeley (19 housing providers) had a 95% compliance rate, Oakland (31 housing providers) had a 77% compliance rate, and housing providers with properties in both Berkeley and Oakland (31 housing providers) had a 59% reported compliance rate.

Research Study Question 2: Is it Significant that the Berkeley and Oakland Fair Chance Housing Ordinances Apply to All Types of Housing?

Issue: Jurisdictions across the nation have different models of Fair Chance Housing laws. For example, the Richmond and San Francisco Fair Chance Housing laws only apply to publicly subsidized or affordable housing units. An important public policy debate was whether the Berkeley and Oakland Fair Chance Housing laws should apply to all forms of housing—publicly subsidized, affordable housing, *and also* private rental housing. As part of their deliberation of evidence presented, **Berkeley and Oakland City Councilmembers decided to remove the use of criminal background checks to all forms of housing.**

Preliminary Finding: Prior to the FCH ordinances, the respondents who had found housing in Berkeley or Oakland only found housing in publicly subsidized housing units (55%) and none found housing in private rental units. However, after the FCH ordinances, respondents found housing in private rental, non-subsidized units (26%) and also publicly subsidized housing (22%). This data indicates that a policy that applies to all forms of housing will likely result in increasing access to housing opportunities for people with a criminal record. Given the severe shortage of publicly subsidized housing in the Bay Area, the inclusion of private rental housing in the Berkeley and Oakland FCH ordinances appears to be an effective strategy to advancing the public policy goal of reducing homelessness for formerly incarcerated residents.

Research Study Question 3: Are there Racial and Other Social Equity Considerations in Fair Chance Housing Ordinance Outcomes?

Issue: As stated in the Oakland City Council agenda report on FCHO, mass incarceration policies, through the disproportionate targeting of Black/African American residents, led to the incarceration of disproportionate numbers of Black/African American residents. According to the Public Policy Institute of California, in 2016, Black male residents were three times more likely than White ones to be arrested.⁴ The racial disparity in arrest rates leads to racial disparities in incarceration rates where in 2017, Black Californians made up 5.6% of the state’s adult men but 28.5% of its male prisoners.⁵ An important part of any public policies to advance racial equity must both acknowledge the racialization of the structural roots of racial disparities and examine if and how the new efforts repaired the racialized harm.

Preliminary Findings: Cross tab analysis of survey results found the following key findings:

Finding 3.1: Black/African American respondents had the highest level of positive results from the FCH ordinances. Out of the respondents who had secured housing in Berkeley or Oakland after the passage of the FCH ordinances (40 formerly incarcerated people): 65% were Black/African American, 10% were Latinx/Hispanic, 10% were multiple races, 3% were API, 3% were White, and 10% preferred not to state. Preliminary survey results indicate that the FCHO may be addressing the racialized harm of previous mass incarceration policies and significantly benefitting Black/African American formerly incarcerated residents.

Finding 3.2: The preliminary survey results show a range of income and employment status of formerly incarcerated survey respondents who were able to secure housing. For example, 55% of people who secured housing in Oakland or Berkeley had income below \$25,000 and 33% were unemployed. This preliminary data indicates that the Berkeley and Oakland FCH ordinances may be benefitting formerly incarcerated people across different income and employment status.

Housing Access Status	Current Income Level	Current Employment Status
Secured housing in Berkeley or Oakland (40 respondents)	55% had income below \$25,000 28% had income from \$25,000 to \$49,000 15% had income from \$50,000 to \$99,000 3% had income above \$100,000	38% worked full-time 33% were unemployed 18% worked part-time 8% other 5% were retired
Did not secure housing in Berkeley or Oakland (57 respondents)	72% had income below \$25,000 19% had income from \$25,000 to \$49,000 7% had income from \$50,000 to \$99,000 2% had income above \$100,000	28% worked full-time 26% were unemployed 11% worked part-time 26% other 9% were retired

⁴ Public Policy Institute of California (2019). *California’s Prison Population*, 1.

⁵ Id.

Research Study Question 4: Did the Fair Chance Housing Ordinances Result in Unintended Consequences of Increased Racial Discrimination or Increased Other Barriers to Housing Access?

Issues & Preliminary Findings: During the public policy development process of the Berkeley and Oakland FCH ordinances, including town hall forums, several concerns and questions were raised by both housing providers and policymakers alike. These issues were included in the survey questions.

Issue 1: Will removing the ability of housing providers to conduct criminal background checks and deny people housing based upon that information result in increased racial discrimination, with housing providers using race as a proxy for criminal background?

Preliminary Finding 1: Only 4% of housing providers reported knowing about an increase in racial discrimination against rental housing applicants after the FCH ordinances passed.

Issue 2: Will removing the ability of housing providers to conduct criminal background checks and deny people housing based upon that information result in increased tenant selection requirements?

Preliminary Finding 2: It appears that some housing providers increased tenant screening requirements. However, it's unclear whether these increases were due more to the impacts of the COVID eviction moratorium. This question will be examined during upcoming interviews and focus groups.

Change in Tenant Screening Standards since Spring 2020:

Screening Standard	Increased Requirements	Decreased Requirements	No Change
Credit Scores	27%	12%	61%
Landlord References	21%	3%	76%
Security Deposit	29%	24%	47%
Employment References	15%	6%	79%
Eviction History Consideration	35%	3%	62%
Criminal Background Consideration	9%	45%	45%

Issue 3: Will allowing people with criminal records reside in housing complexes result in increased crime and violence in that complex or neighborhood?

Preliminary Finding 3: There is no available data or evidence supporting the fear that allowing people with a criminal record to reside in a housing complex or neighborhood directly results in increased crime or violence in that area. This question will be examined further in follow up interviews and focus groups. On the other hand, there is evidence that correlates housing stability with increased anti-recidivism.⁶

⁶See footnote 3.