



**VIA ELECTRONIC MAIL**

May 18, 2020

Marjorianna Willman, Director  
Housing Policy & Community Development  
[dmpearson@nola.gov](mailto:dmpearson@nola.gov)

RE: Inclusion of Individuals with Criminal Records in New Orleans.

Dear Planning and Resource Development Unit:

We write today in response to the call for public comment for amendments to the 2019 Annual Action Plan (AAP) to allocate Entitlement and CARES ACT grants related to housing and business assistance in light of the COVID-19 pandemic. The Justice & Accountability Center of Louisiana provides legal services and information to individuals returning from incarceration or contact with the criminal legal system. We believe it is critical that the City include “individuals with criminal records” in its definition of marginalized communities in New Orleans and provide funding and opportunities to address the specific needs of this population. Individuals with criminal records often face increased scrutiny and discrimination based on prior behaviors that have no bearing on current realities. By naming and providing funding and services for this population, New Orleans will continue to lead the way in safe and fair responses in background screening policies and serve the significant portion of its population that has a criminal record.

New Orleans has long held the distinction as the most incarcerated city in the world.<sup>1</sup> With our population being overrepresented in jails and prisons, it is especially important that during a time of crisis our response be adapted to meet the needs of our most vulnerable and at-risk communities. The Housing Authority of New Orleans has implemented and used a fair and federally recommended background screening policy

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<sup>1</sup> See Prisoners in 2018, Bureau of Justice Statistics (April 2020) available at: <https://www.bjs.gov/content/pub/pdf/p18.pdf> (noting an incarceration rate of 695 per 100,000 state residents); see also Incarceration Trends in Louisiana, Vera Institute of Justice (December 2019) available at: <https://www.vera.org/downloads/pdfdownloads/state-incarceration-trends-louisiana.pdf> (noting Orleans leads the state in jail and prison admissions).

that has improved outcomes in housing and family reunification since 2016,<sup>2</sup> but these resources are finite and limited to those already holding vouchers or on leases. Individuals returning home from a period of incarceration will not have the same level of access to public or subsidized housing and will need support opportunities to pay rent in the short term while the economy recovers and they look for work to continue supporting themselves and their families. Many of these individuals are often closed out of housing opportunities with private landlords who use background checks as a cover for racially discriminatory practices. We ask that rapid rehousing assistance and stabilization or rental assistance programs allocate resources specifically for individuals with criminal records and implement fair screening and access procedures so that a criminal record will not be a barrier to housing that leads to homelessness.

We also believe that New Orleans should use this funding to appropriately support small businesses and rectify an egregious error by the Small Business Administration's rule making procedures during this pandemic. The initial allocations of the Payroll Protection Program barred individuals with criminal records from receiving federal support to ensure that their small businesses could remain solvent. With Office of Community Development support, however, these small business owners will have access to resources for short-term working capital to restart and maintain their businesses. We know that many individuals with criminal records are closed out of traditional employment opportunities by background check policies and instead start their own businesses to serve their communities and support their families. It is critical, at this time, that the City of New Orleans support these small businesses equitably and ensure that those who were left behind by federal programming can receive the financial grants they need locally to continue to thrive and return business and consumers to the New Orleans economy. Any business grants should be open to and fortify individuals with criminal records. These programs should name "individuals with a criminal record" as a specific disadvantaged business group in drastic need of City aid at this time.

We hope that you will consider our request that "individuals with criminal records" be included in all definitions of the marginalized populations the City will consider for Entitlement and CARES ACT funding. We strongly believe that dedicated resources for

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<sup>2</sup> Criminal Background Screening Procedures, HANO, adopted March 29, 2016, available at: [www.hano.org/plans/HANOCriminalBackScreeningProcedures.pdf](http://www.hano.org/plans/HANOCriminalBackScreeningProcedures.pdf)



this population is in the best interest of New Orleans to recover from this pandemic and ensure access to safe housing and economic stability is equitable for all.

Please do not hesitate us with questions, concerns, or further conversation.

Sincerely,



Vanessa Spinazola  
Executive Director  
Vanessa@JACLouisiana.org



Sarah Whittington  
Staff Attorney  
Sarah@JACLouisiana.org

