

**Testimony before the New York City Council  
Committee on Civil and Human Rights**

**Regarding Intro 632**

**December 8, 2022**

**Presented by:  
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Thank you for the opportunity to speak with you today. My name is Wendell Walters, and I am the Manager of Advocacy and Policy with Osborne Association's Center for Justice Across Generations. Osborne is one of the oldest and largest criminal justice organizations in the state, serving 10,000 participants each year. Osborne offers a full spectrum of services for those who are justice-involved and their families. From arrest to reentry, Osborne runs programming from five community sites, at 30 state prisons, and inside New York City's jails.

Osborne is a member of the Fair Chance for Housing campaign. As a service organization, we understand the reentry obstacles that returning citizens face. Reentry housing is by far the most prevalent challenge people face when they are released. We work with people reentering every day and we know that having a place to call home provides a level of stability they so badly need as they reconnect back into society. Unfortunately, the stigma of a conviction history is a burden that can stay with them for the rest of their lives. Whether they are recently released or have developed successful careers and have turned their lives around, they face the possibility of being denied housing because of an arrest or conviction.

Consider Joseph Bryant. Last month, Joseph, who is 35 and an Osborne program participant, walked into a leasing office in Brooklyn to start his search for an apartment after being released from Rikers Island nearly a year ago. He was eager to find a place of his own and, more than that, a welcoming space for his kids to visit. Moments later, he walked back out, having learned that his application was not welcome. The leasing agent had dashed Joseph's hopes – it hurt more than his first breakup, he said – and he felt totally alone.

There are many Joseph Bryants in New York City. He is one of nearly 750,000 New York City residents<sup>1</sup> – that's 11 percent of the adult population – who are effectively locked out of the hunt for housing altogether because

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<sup>1</sup> Data Collaborative for Justice, April 2022, [Criminal Conviction Records in New York City \(1980-2019\)](#)

they have an arrest or conviction record. Ninety percent of landlords<sup>2</sup> use criminal background checks that are notoriously inaccurate<sup>3</sup> to evaluate prospective tenants. Research shows<sup>4</sup> that a conviction record reduces by over 50 percent the probability that a landlord will allow a prospective tenant to even view an apartment. Joseph didn't even get that far.

A little background. The prison and jail populations in New York State have dramatically reduced in the last 20 years. NYS once had a prison population that topped 77,000; it now hovers around 30,000. Rikers Island held 22,000 individuals behind its walls and now has 5,500. Tens of thousands have returned to their communities seeking a second chance and the ability to start over. Many who seek a chance to renew their lives are forced into the shelter system because they have nowhere else to go. It's been reported that each year since 2015, more than forty percent of those released from prison to NYC enter overburdened shelters<sup>5</sup>, where there is no system of support to rebuild their lives.

We as a city and state must create more housing opportunities for the previously incarcerated. Funding and resources must be allocated for the creation of permanent and transitional supportive housing dedicated to this population. Osborne, along with others, is doing its part with the development of the Fulton Community Reentry Center in the Bronx, which will provide 140 beds of transitional housing, and the Marcus Garvey housing project, which has 52 units of permanent supportive housing - both for previously incarcerated older adults. But let's face it: we're not going to be able to build our way out of this. Other housing opportunities must be part of the reentry strategy, including creating greater access to public housing and preventing the private housing market from unfairly discriminating against those with a conviction history.

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<sup>2</sup> The Crime Report, January 2021, [Background Checks and Blocked Opportunities: A Guide to Navigating Reentry](#)

<sup>3</sup> The Markup, October 2020, [When Zombie Data Costs You a Home](#)

<sup>4</sup> Journal of Experimental Criminology, March 2019, [Housing Access During Reentry](#)

<sup>5</sup> Coalition for the Homeless, March 2022, [State of the Homeless 2022](#)

Housing stability is a matter of public safety. People are most vulnerable after release and that is when they most especially need the stability of proper housing. Being unhoused can impact an individual's ability to find gainful employment, continue an education, get medical and mental health care, and reunite with and provide for their families, including young children. They are even more likely to end up back in jail or prison if forced to navigate street life and unsafe shelters. Public opinion reinforces the critical importance of housing. In fact, when 62,000 New York City residents were asked in a survey to pick three public safety priorities, they most often chose affordable housing and reducing homelessness.<sup>6</sup>

New York City always seems to be in a housing crisis. Finding an affordable place to live has always been difficult, but with inflation, rising interest rates, and ever-increasing demand not matching the inventory, it is especially difficult. And that's just for the average New York City resident. Now imagine what it must be like for a person with a conviction record who was recently released from prison or was in prison many years ago and still carries that burden. That stigma does not go away and many landlords routinely disqualify these individuals through the use of criminal background checks, even though we know that a prior conviction does not correlate to whether or not you are a successful tenant<sup>7</sup>.

Even HUD has recognized this in recent guidance about how the use of criminal records can violate the Fair Housing Act. That guidance reads, in part, "Private housing providers should consider not using criminal history to screen tenants for housing. Criminal history is not a good predictor of housing success. Most housing providers are not required by law to exclude persons with criminal histories as tenants and can rely instead on other screening criteria that more closely relate to whether an applicant or

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<sup>6</sup> New York City Speaks, April 2022, [New York City Speaks Dashboard](#)

<sup>7</sup> U.S. Department of Housing and Urban Development, June 2022, [Implementation of the Office of General Counsel's Guidance on Application of Fair Housing Act Standards to the Use of Criminal Records by Providers of Housing and Real Estate-Related Transactions](#)

resident would be a good tenant, such as ability to pay rent, prior rental history, or personal references."<sup>8</sup>

We also cannot ignore the obvious impact of this practice on and the gross overrepresentation of black and brown people in our criminal legal system: 80% of those with conviction histories are black and brown.<sup>9</sup> The police and criminal legal system target black and brown people, and largely ignore the same crimes when committed by the wealthy and white people. The very process of applying for housing virtually exempts justice-involved people and families from a fair opportunity to find a home, resulting in continued instability after the trauma associated with incarceration.

Intro 632, the Fair Chance for Housing bill, looks to address this kind of housing discrimination. It makes it unlawful to conduct criminal background checks that hurt so many when applying for housing. New York City needs to provide real housing opportunities for those with conviction histories. We call on the City Council to pass Intro 632 without delay.

Thank you.

#### Contact Information:

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<sup>8</sup> U.S. Department of Housing and Urban Development, April 2022, [Eliminating Barriers That May Unnecessarily Prevent Individuals with Criminal Histories from Participating in HUD Programs](#)

<sup>9</sup> Data Collaborative for Justice, April 2022, [Criminal Conviction Records in New York City \(1980-2019\)](#)