YALE LAW & POLICY REVIEW

Collateral Displacement: How Housing and Supervision Policies Undermine Family Support During Re-Entry

Durrell M. Washington, Taylor A. Reed-Jones & Kaelyn Sanders[*]

This Feature examines how housing and criminal legal system policies intersect to create barriers to stable housing for individuals returning from incarceration and their families. We define collateral displacement as the cascading process of forced or constrained separation from housing, family, and community that occurs when housing and supervision policies restrict where individuals can live, with whom they can reside or associate, and under what conditions families can reunify following incarceration. These policies can destabilize family housing during incarceration and subsequently constrain whether an individual returning from prison can reside with or receive housing support from family members.

Using New York City as a case study, we examine how federal, state, and local housing and supervision policies accumulate to constrain housing options for individuals returning from incarceration. We further show how public housing restrictions and association bans can destabilize family housing and relationships, extending the consequences of criminal legal system involvement beyond the individual directly subject to supervision or incarceration.

This creates a fundamental contradiction in re-entry policy: Families are relied upon to support successful reintegration while legal and regulatory frameworks can simultaneously restrict their ability to provide that support. We argue that housing and supervision policies affecting individuals with criminal records should be re-evaluated to determine whether they meaningfully advance their stated safety objectives or instead unnecessarily restrict access to stable housing. We also urge policymakers to reconsider

* Durrell M. Washington Sr., Ph.D., M.S.W., is an Assistant Professor at Rutgers, the State University of New Jersey, School of Social Work. Taylor A. Reed-Jones, Ph.D., M.S.W., is an Assistant Professor at The Ohio State University College of Social Work. Kaelyn Sanders, Ph.D., is an Assistant Professor in the School of Criminology & Criminal Justice at Arizona State University.

supervision policies that limit family-based housing and association, provide greater protection for family reunification, and recognize the role that family support can play in facilitating successful re-entry.

INTRODUCTION 576

I. HOUSING INSECURITY AND ASSOCIATION BANS FOR FORMERLY INCARCERATED PEOPLE 583
A. Criminal Housing Bans in Public Housing 585
B. Discrimination and Bans in the Private Rental Market 591
C. Association Bans 595

II. NEW YORK CITY'S TREATMENT OF FORMERLY INCARCERATED PEOPLE 599
A. New York City Housing Constraints 600
B. New York City Association Bans 607
C. New York State and City Reforms 611

III. LEGAL & POLICY REFORM 613
A. Reframing Housing and Supervision Policy 614
B. Suggested Reforms to Housing and Supervision Policies 617
1. Parole and Probation Conditions 619
2. Housing Supply 620
3. Eviction Policy 621
4. Community-Based Solutions 622
C. Rethinking Risk in Re-Entry: Addressing Safety and Fairness Concerns 623

CONCLUSION 624

INTRODUCTION

In 1968, the Fair Housing Act was introduced into law, protecting individuals from housing discrimination based on race, religion, and national origin.[1] However, more than 50 years later, certain individuals still

1. *FACT SHEET: On the 54th Anniversary of the Fair Housing Act, HUD Underscores Its Commitment and Progress Toward Advancing Fairness and Equity in Housing*, U.S. DEP'T HOUS. & URB. DEV.: ARCHIVES (Apr. 11, 2022), https://archives.hud.gov/news/2022/pr22-062.cfm [https://perma.cc/YAS5-C5EM].

regularly face discrimination in the housing and rental market. Most notably, formerly incarcerated people across the United States face some of the most widespread forms of housing discrimination and association bans, which impact who they may and may not associate with, and in turn, who they may live with.[2] For example, Edward Ray[3] was sentenced to life without parole as a teenager and served 33.5 years in prison.[4] He was only released after the Supreme Court extended juvenile lifers' ability to seek resentencing in 2016.[5] Coming home, Edward was determined to rebuild his life. But one condition of his supervision made that nearly impossible: Edward was forbidden from associating with anyone who had any contact with the criminal legal system.[6]

This "association ban," as such restrictions are often called,[7] stood in direct conflict with Edward's efforts to learn about a world he didn't know. In his own words, Edward explains,

> [Avoiding other system-involved people] is so hard when the people that you've known over the last 30 years, everybody a felon. Some of them come home before you do and are the same people that look out for you or that help you with the technology. [Yet,] these are the people that you tell me I couldn't be around. I would

2. *See infra* Part I; see also Nathan Collins, *Arizona Housing Authorities' Criminal Background Checks Bar Applicants From Public Housing*, CRONKITE NEWS (May 18, 2022), https://cronkitenews.azpbs.org/2022/05/18/arizona-housing-authorities-criminal-background-checks-bar-applicants-public-housing [https://perma.cc/H7V2-KLNE]; Robyn Vincent, *The Metro: A Criminal Record Still Shuts Too Many Doors in Michigan*, WDET 101.9 FM (Oct. 6, 2025), https://wdet.org/2025/10/06/fair-chance-housing-michigan-reentry-shortage [https://perma.cc/RFX7-GDTQ].

3. All first and last names used are pseudonyms for confidentiality purposes.

4. Kaelyn Sanders, Digital (In)justice: An Intersectional Study on Black Returning Citizens' Socio-Digital Inequalities 117 (2025) (Ph.D. dissertation, Michigan State University) (on file with authors).

5. *See* Montgomery v. Louisiana, 577 U.S. 190, 208-09 (2016) (retroactively applying the rule of Miller v. Alabama, 567 U.S. 460 (2012), that mandatory life without parole for juvenile defendants is unconstitutional).

6. Sanders, *supra* note 4, at 116-17.

7. *See* James M. Binnall, *Divided We Fall: Parole Supervision Conditions Prohibiting "Inter-Offender" Associations*, 22 U. PA. J.L. & SOC. CHANGE 25, 31-32, 43-59 (2019); United States v. Reynolds, No. 24-2132, 2025 WL 1300879, at *2–3 (9th Cir. May 6, 2025); United States v. Thompson, 777 F.3d 368, 376–77 (7th Cir. 2015).

> venture to say that 60% of the people that I work with are felons. How can I avoid felons? So, I don't disclose that to my parole officer because it can be counterproductive if you live by those rules. Some of us [formerly incarcerated people] would not be as far along as we are if we didn't rely on ex-felons that are currently and formerly parolees.[8]

As Edward explains, association bans can prevent formerly incarcerated individuals from accessing needed support from loved ones. In many instances, bans even prevent formerly incarcerated individuals from getting support from their family members,[9] blocking off an essential resource to successful re-entry.[10]

Families provide formerly incarcerated relatives with immediate material resources such as housing, transportation, and food, while also offering emotional and social support that can facilitate adjustment following incarceration.[11] They can also provide informal supervision,

8. *Id.* at 117.

9. *See* Leah Wang, *Guilty by Association: When Parole and Probation Rules Disrupt Support Systems,* PRISON POL'Y INITIATIVE (Nov. 8, 2023), https://www.prisonpolicy.org/blog/2023/11/08/association_restrictions/ [https://perma.cc/K3XD-U87P].

10. *See generally* Thomas J. Mowen, Richard Stansfield & John H. Boman, *Family Matters: Moving Beyond "If" Family Support Matters to "Why" Family Support Matters During Reentry from Prison*, 56 J. RSCH. CRIME & DELINQ. 483 (2019) (contributing to a growing body of empirical research that underscores the importance of family for re-entry); *see also* Lin Liu, Patricia Becker & Thomas J. Mowen, *Social Support During Reentry: Family, Mentor, Religious, Parole Officer, and Social Service Roles*, 50 CRIM. JUST. & BEHAV. 1053, 1055-56 (2023); Andrew S. Denney, Richard Tewksbury & Richard S. Jones, *Beyond Basic Needs: Social Support and Structure for Successful Offender Reentry*, 2 J. QUALITATIVE CRIM. JUST. & CRIMINOLOGY 39, 40-67 (2014).

11. *See* David J. Harding et al., *Families, Prisoner Reentry, and Reintegration*, *in* 7 NATIONAL SYMPOSIUM ON FAMILY ISSUES: BOYS AND MEN IN AFRICAN AMERICAN FAMILIES 105, 107, 126, 131, 134 (Linda M. Burton et al. eds., 2016) ("In many cases . . . emotional support proved to be an important buffer against relapse or an encouragement to persevere in a previously unsuccessful job search."); Mowen et al., supra note 10, at 510; Andrea N. Montes et al., *An Assessment of Prisoner Reentry, Legal Financial Obligations and Family Financial Support: A Focus on Fathers*, INT'L J. ENV'T RSCH. & PUB. HEALTH, Sept. 13, 2021, at 4 ("Familial support extends across multiple domains, including housing, transportation, emotional support, instrumental support, employment, and childcare . . . ."); *c.f.* Mowen et al., supra note 10, at 485, 501, 510 (finding that

reinforce prosocial behaviors, and create opportunities for community reintegration.[12] A longitudinal study from the Urban Institute found that incarcerated men most frequently cited family support as the reason they were able to stay out of prison—more even than employment.[13]

George Bravo's story encapsulates how families act as frontline social service providers, offering informal case management and consistent emotional support, often without financial compensation or institutional backing.[14] George spent five years incarcerated in Michigan for a criminal sexual conduct offense, which brought stigma and attention.[15] Through it

---

support in the form of "financial resources, transportation, and housing" is correlated with lower rates of reincarceration and substance abuse, whereas emotional support did not have these connections). This support becomes especially vital during the early stages of re-entry, a period marked by heightened vulnerability to unemployment, homelessness, and reincarceration. William D. Bales & Daniel P. Mears, *Inmate Social Ties and the Transition to Society: Does Visitation Reduce Recidivism?*, 45 J. RSCH. CRIME & DELINQ. 287, 289-90 (2020) (noting that recidivism, "homelessness, unemployment, mental illness, and drug addiction" are "highly likely" for formerly incarcerated individuals); *see also* Durrell M. Washington, D. Michael Applegarth, Kaylyn C. Canlione & Laura S. Abrams, *Lost Time: Family Reintegration Following a Youth Life Sentence*, 96 SOC. SERV. REV. 196, 197 (2022) (listing "barriers to success" in the re-entry process for people who have been sentenced to life imprisonment, including "economic mobility, employment, housing, adapting to technology, and cessation of crime"); Harding et al., *supra*, at 108-09 (finding from data on Michigan parolees that "the median former prisoner . . . moves residences two and [a] half times per year in the first 2 years after release," demonstrating "the fragility of living arrangements" for recently incarcerated individuals).

12. Harding et al., *supra* note 11, at 113-14.

13. Christy A. Visher & Shannon M. E. Courtney, *One Year Out: Experiences of Prisoners Returning to Cleveland*, URB. INST. JUST. POL'Y CTR. 5, 11 (2007), https://www.urban.org/sites/default/files/publication/43021/311445-One-Year-Out-Experiences-of-Prisoners-Returning-to-Cleveland.PDF [https://perma.cc/G8JV-B8SM]. Similarly, Bales and Mears analyzed data from the Florida Department of Corrections and found that individuals who received visits while incarcerated, an indicator of family connection, were 30.7% less likely to return to prison. Bales & Mears, *supra* note 11, at 304-05.

14. Kaelyn Sanders, Interview Transcripts for a Qualitative Exploration of Black Returning Citizens' Digital Exclusion (2024) (unpublished qualified dataset) (on file with authors).

15. *Id.*

all, his family stood beside him. When asked about his experience, George said:

> I have a very big family, and my family loves me, man. Oh my gosh. So many family members and friends gave me money, support, love, and encouragement, and came to see me. They called me, invited me over, and cooked for me.[16]

Despite the widely recognized reality that family is essential to a successful re-entry, the very policies that govern re-entry frequently erode, disrupt, or altogether prohibit familial connections. For example, association bans can criminalize sibling support, romantic partnerships, and attendance at family gatherings.[17] Public housing bans, which bar people with criminal records from residing with family members in federal and state subsidized housing,[18] can likewise fracture caregiving arrangements, disrupt coparenting, and fuel economic strain.[19] This contradiction lies at the heart of the contemporary re-entry crisis: Families are indispensable to reintegration, yet legal and regulatory frameworks routinely treat them as liabilities or threats.

This contradiction is part of a broader set of carceral logics that position policing and imprisonment as foundations of social order.[20] Carceral logics

16. *Id.*

17. Association bans prohibit contact with other individuals on supervision or who have had prior criminal involvement, which criminalizes basic family interaction when multiple members of a household have had carceral involvement. *See generally* James M. Binnall, *Divided We Fall: Parole Supervision Conditions Prohibiting "Inter-Offender" Associations*, 22 U. PA. J.L. & SOC. CHANGE 25, 31-32, 43-59 (2019) (describing association bans and arguing against their appropriateness within the context of community supervision).

18. *See Public Housing Bans*, NAT'L LOW INCOME HOUS. COAL. (Feb. 26, 2020), https://nlihc.org/resource/public-housing-bans [https://perma.cc/7WL2-D52A]; *see also infra* Section I.A.

19. *See* BRUCE WESTERN, HOMEWARD: LIFE IN THE YEAR AFTER PRISON 101-20 (2018) (describing families as the primary source of postrelease support, providing housing, transportation, financial assistance, emotional support, and caregiving).

20. Carceral logics are logics that apply the tools of the penal system to the broader social order, viewing exclusion, surveillance, and regulation as default tools for managing populations, while embedding them across settings such as schools and broader social policies. *See* Sophie Rudolph, *Carceral Logics and Education*, 64 CRITICAL STUD. EDUC. 392, 393 (2023); Elizabeth Jordie

surface in the postrelease context to subject formerly incarcerated individuals to collateral consequences of incarceration.[21] Collateral consequences are postrelease legal and regulatory restrictions that limit access to employment, housing, education, voting, and other rights,[22] effectively creating a multilayered network of exclusion at the federal, state, and local levels that persists long after a sentence is complete.[23]

This Feature focuses on two such collateral consequences—legal housing restrictions and association bans—and how they displace formerly incarcerated individuals by changing their physical location and transforming their social, economic, and political relationships.[24] We define this phenomenon as "*collateral displacement*," or the cascading process of forced or constrained separation from housing, family, and community, not

Davies, Jenn M. Jackson & Shea Streeter, *Bringing Abolition In: Addressing Carceral Logics in Social Science Research*, 102 SOC. SCI. Q. 3095, 3096 (2021).

21. *See Welcome to the NICC*, NAT'L INVENTORY COLLATERAL CONSEQUENCES CONVICTION (2026), https://niccc.nationalreentryresourcecenter.org [https://perma.cc/GU4F-5G3R] (defining collateral consequences).

22. *Id.*

23. For example, in the realm of housing, the National Inventory of Collateral Consequences of Conviction identified more than 900 statutes and regulations containing over 1,000 separate housing-related restrictions. *Collateral Consequences Inventory*, NAT'L INVENTORY COLLATERAL CONSEQUENCES CONVICTION (2026), https://niccc.nationalreentryresourcecenter.org/consequences [https://perma.cc/NM46-E2DQ] (applying the "Housing & residency" filter for "Consequences"). In the realm of the family, carceral logics manifests itself as *carceral kin disruption*, wherein the state fractures families during and after incarceration through civil and administrative regulations. There is a growing but still nascent body of scholarship concerned with carceral kin disruption. *See generally* Durrell Washington, *Invisible Wounds and Sibling Dynamics: A Narrative Study Investigating the Influence of Juvenile Incarceration on Black Family Life* (August 2025) (Ph.D. dissertation, University of Chicago) (on file with authors) (analyzing the impact of incarceration on siblings' behavioral outcomes and other social metrics); JOYCE A. ARDITTI, PARENTAL INCARCERATION AND THE FAMILY: PSYCHOLOGICAL AND SOCIAL EFFECTS OF IMPRISONMENT ON CHILDREN, PARENTS, AND CAREGIVERS (2012) (tracing the social impacts of incarceration on different members of the family unit).

24. Oliver Bakewell, *Conceptualising Displacement and Migration: Processes, Conditions, and Categories*, *in* THE MIGRATION-DISPLACEMENT NEXUS: PATTERNS, PROCESSES, AND POLICIES 14, 19 (Khalid Koser & Susan Martin eds., 2011) ("[B]oth migration and displacement can be understood as processes which bring about changes in people's physical locations and as a result transform economic, social, and political relationships.").

as a formal sentence, but as an indirect yet predictable consequence of criminal-legal-system contact.

In the context of re-entry, collateral displacement helps explain why housing insecurity and family separation are not accidental or temporary challenges. They are structurally produced outcomes of a system that governs where people can live, with whom they can reside, and under what conditions family reunification is deemed permissible. In conjunction with economic precarity and surveillance regimes, legal restrictions destabilize housing access and disrupt family reunification, effectively extending punishment beyond confinement and into the everyday lives of formerly incarcerated people and their families. Additionally, this legalized disruption of family bonds hinders formerly incarcerated people's access to opportunities in other areas of life, particularly employment, which directly influences the trajectory of their re-entry experiences and their likelihood of reincarceration.[25] Importantly, the phenomenon of collateral displacement disproportionately affects racially/ethnically minoritized populations due to minoritized people's overrepresentation in the criminal legal system.[26] Thus, minoritized families are trapped in a recurring cycle of instability and exclusion.

This Feature examines and challenges the legal structures that are responsible for collaterally displacing families. While prior work has acknowledged the existence of collateral consequences for families of formerly incarcerated individuals,[27] few have systematically examined how

25. *See* Montes et al., *supra* note 11 (noting that family can support employment for formerly incarcerated people); Visher & Courtney, *supra* note 13, at 10-11 (stating that "having a helpful family increased the likelihood of employment" for re-entering individuals and that employment was among the "key factors associated with reincarceration at some point in the year after release").

26. *See* Wendy Sawyer & Peter Wagner, *Mass Incarceration: The Whole Pie 2025*, PRISON POL'Y INITIATIVE (Mar. 11, 2025), https://www.prisonpolicy.org/reports/pie2025.html [https://perma.cc/7M9A-TCKB] (noting that people of color are "dramatically overrepresented in the nation's prisons and jails"); *see also* Youngmin Yi, *Racial Inequality in the Prevalence, Degree, Extension, and Permeation of Incarceration in Family Life*, 60 DEMOGRAPHY 15, 26 (2023) (finding that Black adults are "substantially more likely to experience both immediate and extended family incarceration and likely to experience more intensive exposure to family incarceration than those of other racial/ethnic groups").

27. MEGAN COMFORT, DOING TIME TOGETHER: LOVE AND FAMILY IN THE SHADOW OF THE PRISON 7-13, 154-58 (2008) (presenting the experiences of women whose partners are incarcerated); REUBEN JONATHAN MILLER, HALFWAY HOME: RACE,

legal prohibitions against cohabitation or association directly conflict with family reunification goals and undermine community-based models of re-entry.

Part I provides background information on the causes and consequences of housing insecurity for formerly incarcerated individuals, including discrimination and housing bans in the public and private rental markets, and the history and prevalence of association bans. Part II presents a case study of New York–specific housing restrictions, association bans, and reforms, to demonstrate how certain policies, often justified as tools for public safety, function as mechanisms of state exclusion that destabilize families and entrench systems of social control.

Part III calls for reforms that center familial preservation as a core component of justice, rather than a privilege that can be taken away. It argues that reintegration models should support people returning home by imposing restrictions on housing and association only when there is clear evidence of risk, and by periodically reviewing those limits. It also argues for policies that provide family-based exceptions to association bans, expand housing opportunities for people with criminal records, and reconsider the judicial frameworks that currently legitimize family separation.

I. HOUSING INSECURITY AND ASSOCIATION BANS FOR FORMERLY INCARCERATED PEOPLE

Homelessness and criminal-justice involvement are often a revolving door.[28] Up to fifteen percent of individuals in jails and prisons experience homelessness during the year leading up to their imprisonment.[29] Individuals experiencing street homelessness face heightened contact with

PUNISHMENT, AND THE AFTERLIFE OF MASS INCARCERATION 173–79 (2021) (describing how housing restrictions imposed on formerly incarcerated people reshape family relationships and constrain family reunification following incarceration).

28. *See* Claire W. Herbert, Jeffrey D. Morenoff & David J. Harding, *Homelessness and Housing Insecurity Among Former Prisoners*, 1 RSF: RUSSELL SAGE FOUND. J. SOC. SCIS. 44, 46 (2015); Tom Stanley-Becker, *Breaking the Cycle of Homelessness and Incarceration: Prisoner Reentry, Racial Justice, and Fair Chance Housing Policy*, 7 U. PA. J.L. & PUB. AFFS. 257, 259-60 (2022).

29. Lucius Couloute, *Nowhere to Go: Homelessness Among Formerly Incarcerated People*, PRISON POL'Y INITIATIVE (Aug. 2018), https://www.prisonpolicy.org/reports/housing.html [https://perma.cc/5Q7K-TJ6K].

the criminal legal system, often through arrests for low-level offenses such as loitering or sleeping in public.[30] Once people are released from prison, they are nearly ten times more likely to experience homelessness than the general population, which in turn makes them more susceptible to criminal legal system contact and becoming reincarcerated.[31] In short, housing insecurity is often present before incarceration and increases the likelihood of reincarceration.[32] Incarceration and, in its absence, the stigma of conviction, also affect long-term housing.[33] Many jurisdictions bar people

30. *Five Charts That Explain the Homelessness-Jail Cycle—And How to Break It,* URB. INST. (Sept. 16, 2020), https://www.urban.org/features/five-charts-explain-homelessness-jail-cycle-and-how-break-it [https://perma.cc/QUV7-35KR].

31. Amanda Aykanian & Sondra J. Fogel, *The Criminalization of Homelessness*, *in* HOMELESSNESS PREVENTION AND INTERVENTION IN SOCIAL WORK: POLICIES, PROGRAMS, AND PRACTICES 185, 185-86 (Heather Larkin, Amanda Aykanian & Calvin L. Streeter eds., 2019) (discussing "policies that criminalize homelessness"); Couloute, *supra* note 29 (showing that those with multiple instances of incarceration are 13 times more likely to experience housing insecurity).

32. The absence of stable housing is a strong predictor of recidivism and reincarceration, making housing insecurity not merely a symptom of poverty but a mechanism of long-term entrapment within the carceral system. *See* Leah A. Jacobs & Aaron Gottlieb, *The Effect of Housing Circumstances on Recidivism: Evidence from a Sample of People on Probation in San Francisco*, 47 CRIM. JUST. & BEHAV. 1097, 1106 (2020) (finding that residential circumstances "predicted recidivism, above and beyond demographic markers, criminal risk, behavioral health problems, social support, and financial security"); Benjamin Steiner, Matthew D. Makarios & Lawrence F. Travis III, *Examining the Effects of Residential Situations and Residential Mobility on Offender Recidivism*, 61 CRIME & DELINQ. 375, 387-90 (2015).

33. For individuals who have been convicted but not incarcerated, the stigma of a conviction can be a potent driver of housing precarity. A history of convictions, particularly a felony conviction, can increase the likelihood of housing instability regardless of stable financial resources and relationships. *See* Brielle Bryan, *Housing Instability Following Felony Conviction and Incarceration: Disentangling Being Marked from Being Locked Up*, 39 J. QUANTITATIVE CRIMINOLOGY 833, 867, 869 (2022). *See generally* Zoe R. Feingold, *The Stigma of Incarceration Experience: A Systematic Review*, 27 PSYCH., PUB. POL'Y & L. 550 (2021) (providing a systematic review of the literature on criminal stigma); Danya E. Keene, Amy B. Smoyer & Kim M. Blankenship, *Stigma, Housing and Identity After Prison*, 66 SOCIO. REV. 799, 806-10 (2018).

with certain convictions from public housing or subsidized rental programs.[34]

A. Criminal Housing Bans in Public Housing

Public housing should provide a viable housing option for individuals with convictions who are unable to reside with family members in private housing and lack the financial resources to secure housing in the private market.[35] However, public housing policies across the federal and local levels complicate or explicitly restrict housing access for people with past convictions. By the 1980s, the high rate of crime in public housing and the federal War on Drugs set the tone for a series of policies targeting people engaging in criminal activity that was deemed to threaten the safety and well-being of other tenants,[36] and the 1996 Housing Opportunity Program Extension Act established a federal "One Strike and You're Out" policy as part of the broader antidrug agenda.[37]

---

34. *See* Marah A. Curtis, Sarah Garlington & Lisa S. Schottenfeld, *Alcohol, Drug, and Criminal History Restrictions in Public Housing*, 15 CITYSCAPE: J. POL'Y DEV. & RSCH. 37, 43-48 (2013). *See generally* Douglas N. Evans, *The Effect of Criminal Convictions on Real Estate Agent Decisions in New York City*, 39 J. CRIME & JUST. 363 (2016) (analyzing the effect of a felony conviction on real estate agents' willingness to accept prospective clients with felony convictions); Michelle Y. Ewert, *One Strike and You're Out of Public Housing: How the Intersection of the War on Drugs and Federal Housing Policy Violates Due Process and Fair Housing Principles*, 32 HARV. J. ON RACIAL & ETHNIC JUST. 57 (2016) (analyzing how the one-strike eviction policy for public housing diverges from federal approaches to crime in other sorts of housing, and arguing that this policy conflicts with due process).

35. *See* Jacobs & Gottlieb, *supra* note 32, at 1098 (explaining that individuals with criminal records struggle to secure private housing because they are unable to pay deposits or provide reference letters from former landlords).

36. Ewert, *supra* note 34, at 66-67. *See generally* Kathryn V. Ramsey, *One-Strike 2.0: How Local Governments Are Distorting a Flawed Federal Eviction Law*, 65 UCLA L. REV. 1146 (2018) (discussing local policies requiring private landlords to evict tenants for criminal involvement).

37. Ewert, *supra* note 34, at 67-68; Housing Opportunity Program Extension Act of 1996, Pub. L. No. 104-120, 110 Stat. 834 (1996); President William J. Clinton, *Remarks Announcing the "One Strike and You're Out" Initiative in Public Housing*, AM. PRESIDENCY PROJECT (Mar. 28, 1996), https://www.presidency.ucsb.edu/documents/remarks-announcing-the-one-strike-and-youre-out-initiative-public-housing [https://perma.cc/57CP-78SN]; *"One Strike and You're Out": Policy in Public Housing*, U.S. DEPT. OF HOUS.

The One Strike eviction policy gave public housing authorities discretion to evict or deny housing based on past convictions or arrest history.[38] For example, as the Supreme Court upheld in *Department of Housing and Urban Development v. Rucker*, a public housing agency ("PHA") may choose to evict an entire household when one of its members is found to be engaged in criminal activity, even where the leaseholder is unaware of a family member's misconduct.[39] Essentially, the law imposes collective punishment on uninvolved family members, as PHAs are permitted to use strict enforcement and terminate the lease of the entire household even when only one member violates the law. This One Strike framework reflects longstanding assumptions that people with criminal records pose a heightened threat to public safety,[40] and continues to anchor federal housing law's treatment of applicants and tenants with criminal records to this day.[41]

& URB. DEV. 1 (Mar. 29, 1996), https://docs.huduser.gov/portal/sites/default/files/pdf/One-Strike-and-Youre-Out-Policy-in-Public-Housing.pdf [https://perma.cc/3F7L-8DFV] (describing One Strike's potential for "turn[ing] crime and drug-infested public housing developments into safe, strong, and hopeful communities").

38. Ewert, *supra* note 34, at 85 (noting that public housing authorities historically commenced eviction based on arrest reports, even if the individual was not prosecuted or ultimately convicted); Rebecca J. Walter, Jill Viglione & Marie Skubak Tillyer, *One Strike to Second Chances: Using Criminal Backgrounds in Admission Decisions for Assisted Housing*, 27 HOUS. POL'Y DEBATE 734, 736 (2017).

39. Dep't of Hous. & Urb. Dev. v. Rucker, 535 U.S. 125, 130-31 (2002).

40. *See "One Strike and You're Out": Policy in Public Housing*, U.S. DEP'T OF HOUS. & URB. DEV. 1-3 (1996), https://docs.huduser.gov/portal/sites/default/files/pdf/One-Strike-and-Youre-Out-Policy-in-Public-Housing.pdf [https://perma.cc/AT9G-U3ZP] (describing the policy as a crime-control initiative intended to make public housing safe for "law-abiding" residents by excluding criminal activity); Claire M. Renzetti, *"One Strike and You're Out": Implications of a Federal Crime Control Policy for Battered Women*, 7 VIOLENCE AGAINST WOMEN 685, 685-88 (2001) (explaining that the policy was promoted as a tough anticrime measure targeting gangs, drug dealers, and violent criminals).

41. *See, e.g.*, Standards for PHA Tenant Selection Criteria, 24 C.F.R. § 960.203(b) (2025) ("PHAs that have adopted policies, implemented procedures and can document that they successfully screen out and deny admission to certain applicants with unfavorable criminal histories receive points."); Denial of Admission for Criminal Activity or Drug Abuse by Household Members, 24 C.F.R. § 960.204 (providing, with limited exceptions, that "PHA standards

The U.S. Department of Housing and Urban Development ("HUD") implements its One Strike mandate through detailed regulations governing both public housing and the Housing Choice Voucher Program.[42] HUD's regulatory provisions dictating how local housing authorities must screen applicants and enforce eligibility incentivize local housing authorities to deny housing to people with convictions. The regulatory provisions at 24 C.F.R. §§ 960.203, 960.204, and 982.553 (governing Housing Choice Vouchers) codify and extend the federal "One Strike and You're Out" policy from 1996, continuing to exclude formerly convicted individuals and their families from accessing public housing.

Under 24 C.F.R. § 960.203, PHAs are incentivized to screen out individuals and their families based on past convictions: HUD assesses PHAs' management performance using a Public Housing Assessment System that awards points to PHAs, and under 24 C.F.R. § 960.203, additional points are awarded to PHAs that have adopted policies where individuals with "unfavorable criminal histories" are screened out and denied housing.[43] Additionally, under this regulation, PHAs are required to consider a family's behavior and suitability for tenancy before admitting the family to public housing. Relevant considerations include a family member's "history of criminal activity involving crimes of physical violence to persons or property" or any other criminal acts that could negatively impact other

must prohibit admission of an applicant to the PHA's public housing program for three years from the date of the eviction if any household member has been evicted from federally assisted housing for drug-related criminal activity"); Denial of Admission and Termination of Assistance for Criminals and Alcohol Abusers, 24 C.F.R. § 982.553 (requiring that PHAs prohibit admission to the Housing Choice Voucher Program if "any household member is currently engaging in illegal use of a drug" or "if any member of the household is subject to a lifetime registration requirement under a State sex offender registration program").

42. 24 C.F.R. § 960.203; *Id.* § 960.204; *Id.* § 982.553.

43. Standards for PHA Tenant Selection Criteria, 24 C.F.R. § 960.203(b) ("Under the Public Housing Assessment System (PHAS), PHAs that have adopted policies, implemented procedures and can document that they successfully screen out and deny admission to certain applicants with unfavorable criminal histories receive points. (See 24 CFR 902.43(a)(5).) This policy takes into account the importance of screening to public housing communities and program integrity, and the demand for assisted housing by families who will adhere to lease responsibilities.").

tenants' "health, safety, or welfare."[44] Essentially, these regulations reward PHAs for discriminating against criminally involved individuals and their families, further pushing the entire household out of the public housing market.

In addition to rewarding PHAs for banning individuals based on criminal activity, federal regulations actually require PHAs to ban certain populations from their public housing programs.[45] Under 24 C.F.R. § 960.204, lifetime registered sex offenders, and any households with a lifetime registered sex offender, are permanently barred from public housing admission.[46] Additionally, a household is ineligible for public housing if any member was previously evicted from federally assisted housing due to "drug-related criminal activity."[47] Even if the household was approved before that member joined, the entire household can still be subject to removal from public housing. The PHA may admit the household only if either of the following two exceptions apply: (1) the evicted person in the household completed a PHA-approved supervised drug-rehabilitation program; or (2) the "circumstances leading to the eviction no longer exist," such as where the household member is no longer living in the household due to death or current incarceration.[48]

PHAs do not need to notify households when they become aware of a household member's criminal activity. PHAs are only required to inform the household that admission may be denied on the basis of a criminal record, and to give the household a chance to dispute the accuracy of that record.[49] However, in these circumstances, households may not have the time or the resources to appropriately dispute the decision, which leaves them at the mercy of the PHA's discretion.

---

44. *Id.* § 960.203(c)(3). When a PHA receives "unfavorable information" about an applicant, the PHA must consider the "time, nature, and extent of the applicant's conduct (including the seriousness of the offense)." *Id.* § 960.203(d).

45. *Id.* § 960.204.

46. *Id.* § 960.204(a)(4).

47. *Id.* § 960.204(a)(1).

48. *Id.* § 960.204(a)(1)(i)-(ii). However, § 960.204(a)(3) mandates that if any household member has been convicted of manufacturing or producing methamphetamine on the premises of federally assisted housing, the household must be permanently denied admission to public housing.

49. *Id.* § 960.204(c).

In addition to discretionary and mandatory bans in public housing, HUD has "over-housing" policies that challenge families impacted by the criminal legal system who rely on public housing. If the number of family members decreases while living in a public housing unit, then, the family might become "over-housed," meaning that the size of the unit is greater than what the family qualifies for under PHA standards. A family may become "over-housed" if an adult child moves out,[50] or if incarceration of a family member removes them from the home, thereby decreasing the number of household occupants. PHAs must follow occupancy standards to ensure that the size and type of unit in which a household lives is appropriate for the household's size and needs.[51] HUD's public housing lease regulation requires PHAs to include in their leases provisions for redetermining family composition, as well as "[a]n agreement by the tenant to transfer to an appropriate size dwelling unit based on family composition, upon appropriate notice by the PHA that such a dwelling unit is available."[52] When household composition changes and a household is no longer in an appropriately sized unit, the PHA must place the household on the transfer list and move the household when an appropriate unit becomes available.[53]

While the federal over-housing policy does not specifically mandate transfers between buildings, the transfer framework in localities may require a family to relocate to another building with an available unit appropriate for the family size, if there are no appropriately sized units available in the building.[54] We further discuss the threat of mandatory transfers in our case study of New York City in Part II. Mandatory transfers can disrupt families' lives by destabilizing employment, forcing children to change schools, and contributing to poor long-term health outcomes.[55]

50. *Public Housing Occupancy Guidebook: Transfers*, U.S. DEP'T OF HOUS. & URB. DEV. 6 (Dec. 2020), https://www.hud.gov/sites/dfiles/PIH/documents/PHOG_Transfers.pdf [https://perma.cc/3YXQ-ZWLU].

51. *Id.*

52. 24 C.F.R. § 966.4(c)(3).

53. *Public Housing Occupancy Guidebook: Transfers*, *supra* note 50. PHAs are required to periodically reexamine family income and composition and may use the results of those examinations to require families to move to an appropriately sized unit. 24 C.F.R. § 960.257(a)(4).

54. *See infra* Section II.A.

55. *See* Seungbeom Kang, *Severe and Persistent Housing Instability: Examining Low-Income Households' Residential Mobility Trajectories in the United States*, 38 HOUS. STUDS. 1615, 1616, 1619 (2023) (considering an involuntary change in residence to be an indicator of housing instability, and citing studies

Families subject to a mandatory transfer would need to uproot their lives and deal with all the challenges that come with moving to a new area, all while dealing with the implications of their family member's incarceration.[56]

Given the interconnected nature of poverty and criminal legal system involvement,[57] mandatory-transfer policies pose a serious threat to families of incarcerated individuals. Poverty fuels incarceration, particularly of Black individuals in under-resourced communities.[58] And incarceration fuels poverty[59]—making it likely that formerly incarcerated individuals and their families rely on public assistance to find stable housing. Policies destabilizing that housing are thus particularly harmful to families involved in the criminal legal system.

---

showing the "detrimental impacts of housing instability" on employment, health, and children's schooling); Kristen W. Reid, Eric Vittinghoff & Margot B. Kushel, *Association Between the Level of Housing Instability, Economic Standing and Health Care Access: A Meta-Regression*, 19 J. HEALTH CARE FOR POOR & UNDERSERVED 1212, 1221 (2008) (finding that "having worse economic and housing instability was associated with worse access to health care and higher rates of hospitalization").

56. *See generally* Nancy Rodriguez & Jillian J. Turanovic, *Impact of Incarceration on Families and Communities*, *in* THE OXFORD HANDBOOK OF PRISONS AND IMPRISONMENT 189 (John Wooldredge & Paula Smith eds., 2018) (reviewing research and literature on the effects of incarceration on families of those incarcerated).

57. *Id.* at 191 (explaining that mass incarceration primarily impacts under-resourced, minority neighborhoods); *see also* Ewert, *supra* note 34, at 79 (noting that residents of public housing, who tend to be located in low-income areas, are "much more exposed to criminal activity than people living in middle and upper-income neighborhoods").

58. *See* Lawrence D. Bobo & Victor Thompson, *Racialized Mass Incarceration: Poverty, Prejudice and Punishment*, *in* DOING RACE: 21 ESSAYS FOR THE 21ST CENTURY 322, 330-31 (Hazel Rose Markus & Paula M. L. Moya eds., 2010) (describing the societal drivers of poverty in Black communities and attributing levels of criminal involvement in these communities to "structural conditions of extreme poverty"); Greg J. Duncan, Katherine Magnuson & Elizabeth Votruba-Drzal, *Moving Beyond Correlations in Assessing the Consequences of Poverty*, 68 ANN. REV. PSYCH. 413, 428 (2017) (noting that adolescent poverty is "related to higher rates of . . . criminal activity").

59. *See* Bruce Western & Becky Pettit, *Incarceration & Social Inequality*, DAEDALUS, Summer 2010, at 8, 12-14 (explaining that incarceration decreases economic opportunities for individuals who already experience socioeconomic disadvantage).

B. Discrimination and Bans in the Private Rental Market

In the private rental market, landlords often discriminate against people with criminal records.[60] Landlords commonly use background checks of applicants to screen for criminal records.[61] Studies consistently demonstrate that landlords are substantially less willing to rent to prospective tenants with criminal records.[62]

Even when housing opportunities exist, high upfront costs such as security deposits and application fees create obstacles.[63] And paying the rent can be difficult when incarcerated individuals face heightened economic instability due to employment barriers, including employer discrimination and gaps in education and work history.[64] A 2015 study of

60. *See generally* Lesley Zannella, Kimberley Clow, Emma Rempel, Leah Hamovitch & Victoria Hall, *The Effects of Race and Criminal History on Landlords' (Un)willingness to Rent to Exonerees*, 44 LAW & HUM. BEHAV. 300 (2020) (finding that landlords were less likely to to respond and indicate rental availability following inquiries from formerly incarcerated people, compared to the general public).

61. *See* Eva Rosen, Philip M. E. Garboden & Jennifer E. Cossyleon, *Racial Discrimination in Housing: How Landlords Use Algorithms and Home Visits to Screen Tenants*, 86 AM. SOCIO. REV. 787, 800 (2021) (finding a high percentage of landlords who use criminal background checks to screen tenants); Douglas N. Evans, *The Effect of Criminal Convictions on Real Estate Agent Decisions in New York City*, 39 J. CRIME & JUST. 363, 377 (2016) (explaining that real estate agents consider a client's criminal background, but that the agents "appear to be more concerned with the financial issues" that may affect the amount of payment they can collect from the client). *See generally* Anna Reosti, *"We Go Totally Subjective": Discretion, Discrimination, and Tenant Screening in a Landlord's Market*, 45 LAW & SOC. INQUIRY 618 (2020) (detailing policy efforts to eliminate criminal background checks for renters).

62. Zannella et al., *supra* note 60, at 302-03.

63. Stefanie DeLuca, Philip M. E. Garboden & Peter Rosenblatt, *Segregating Shelter: How Housing Policies Shape the Residential Locations of Low-Income Minority Families*, 647 ANNALS AM. ACAD. POL. & SOC. SCI. 268, 291 (2013) ("[L]andlords have discretion over credit checks and application fees, factors that can make or break a tenant's ability to successfully lease up . . . ."); *see also supra* note 35.

64. Michael. A Stoll, *Ex-Offenders, Criminal Background Checks, and Racial Consequences in the Labor Market*, 2009 U. CHI. LEGAL F. 381, 382-85 (discussing how employers may discriminate even based on proxies for criminality). *See generally* Harry J. Holzer, Steven Raphael & Michael A. Stoll, *Perceived Criminality, Criminal Background Checks, and the Racial Hiring*

122 released prisoners found that half did not have a job six months later, and more than half relied on their family for financial assistance or housing.[65] Even when ban-the-box laws prevent disclosure of conviction history, employers may rely on proxies such as race to infer criminality, adding another layer of discrimination.[66] Without a steady source of income, people with convictions often struggle to meet rent costs.[67]

People with convictions may also struggle to access public rent assistance. Eligible low-income families can use Housing Choice Vouchers to help with rental payments for a private housing unit.[68] But under 24 C.F.R. § 982.553, PHAs must deny or terminate Housing Choice Voucher assistance for a period of three years following the eviction of any household member from federally assisted housing for drug-related criminal activity.[69] The agency may admit the household or continue to provide assistance if it determines that the individual has successfully completed an approved supervised drug-rehabilitation program, or if the individual no longer resides in the household such that the circumstances leading to eviction no longer exist.[70]

Voucher restrictions for private housing also impose categorical bars paralleling the public housing rules. Under 24 C.F.R. § 982.553, PHAs may not provide voucher assistance to households with a member subject to

---

Practices of Employers, 49 J. LAW & ECON. 451 (2006) (discussing how employers discriminate in the absence of criminal background checks).

65. Bruce Western, Anthony A. Braga, Jaclyn Davis & Catherine Sirois, *Stress and Hardship after Prison*, 120 AM. J. SOCIO. 1512, 1519, 1537-38 (2015).

66. Amanda Agan & Sonja Starr, *Ban the Box, Criminal Records, and Racial Discrimination: A Field Experiment*, 133 Q.J. ECON. 191, 208 (2018); Jennifer L. Doleac & Benjamin Hansen, *The Unintended Consequences of "Ban the Box": Statistical Discrimination and Employment Outcomes When Criminal Histories Are Hidden*, 38 J. LAB. ECON. 321, 360-62 (2020).

67. *See generally* Amanda Geller & Marah A. Curtis, *A Sort of Homecoming: Incarceration and the Housing Security of Urban Men*, 40 SOC. SCI. RSCH. 1196 (2011) (studying different forms of housing insecurity among formerly incarcerated people, including challenges paying rent); Herbert et al., *supra* note 28 (finding high rates of housing insecurity among formerly incarcerated people).

68. Ramona K. C. Finnie et al., *Tenant-Based Housing Voucher Programs: A Community Guide Systematic Review*, 28 J. PUB. HEALTH MGMT. & PRAC. E795, E795–E796 (2022).

69. 24 C.F.R. § 982.553(a)(1)(i) (2025).

70. *Id.* § 982.553(a)(1)(i)(A)-(B).

lifetime sex offender registration and must terminate assistance where any member has been convicted of manufacturing or producing methamphetamine on the premises of federally assisted housing.[71]And tenants are also subject to over-housing policies if they receive enhanced voucher assistance. Enhanced vouchers support tenants living in private housing affected by a "conversion action," such as when an owner decides not to renew their project-based Section 8 contract.[72] If another appropriately sized unit is available in their project, over-housed families have two options: (1) move to the unit; or (2) choose to stay in the unit but become responsible for paying more of the rent.[73]

This exclusion from the formal housing market often leaves formerly incarcerated people in unstable housing arrangements, including temporary housing and frequent residential mobility, conditions that can undermine successful community reintegration.[74] Sometimes even these doors are closed. Many emergency shelters are unable to meet demand because of limited bed capacity, and restrictive admission policies can leave many unhoused individuals without access to shelter.[75] Together, these structural and market-level barriers perpetuate housing instability, increasing the risk of reincarceration and undermining re-entry efforts. Housing instability, in turn, disrupts efforts to maintain employment, and is associated with poor health and reincarceration.[76]

---

71. *Id.* § 982.553(a)(2)(i), (b)(1)(ii).

72. U.S. DEP'T OF HOUS. & URB. DEV., NOTICE PIH-2016-02 (HA), ENHANCED VOUCHER REQUIREMENTS FOR OVER-HOUSED FAMILIES 1-2 (2016).

73. *Id.* at 3.

74. Geller & Curtis, *supra* note 67, at 1196, 1203-06; Bryan, *supra* note 33, at 868 ("Formerly incarcerated individuals and formerly-convicted-but-never-yet-incarcerated individuals are more likely to live in temporary housing and move more often than observably similar never-convicted individuals.")

75. *See generally* Anna Conzatti, Tristan Kershaw, Alexander Copping & David Coley, *A Review of the Impact of Shelter Design on the Health of Displaced Populations*, J. INT'L HUMANITARIAN ACTION, 2022 (describing negative health impacts of overcrowding); Suzanne Skinner & Sara Rankin, *Shut Out: How Barriers Often Prevent Meaningful Access to Emergency Shelter*, HOMELESS RTS. ADVOC. PROJECT, SEATTLE UNIV. SCH. OF L. 1-6 (2016), https://digitalcommons.law.seattleu.edu/cgi/viewcontent.cgi?article=1004&context=hrap [https://perma.cc/S46K-BQL6].

76. *See supra* notes 28-32 and accompanying text; Dallas Augustine & Margot Kushel, *Community Supervision, Housing Insecurity, and Homelessness*, 701 ANNALS AM. ACAD. POL. & SOC. SCI. 152, 155-56 (2022).

These challenges in housing security contribute to a cycle of instability that disproportionately impacts Black and Hispanic individuals, who are overrepresented both in the criminal legal system and among people experiencing poverty.[77] People in these groups with past convictions navigate the compounded disadvantages of racial marginalization and criminal record stigma, per legal scholar Kimberlé Crenshaw's theory of intersectionality.[78] Structural racism and conviction-based discrimination intersect to create a uniquely challenging terrain which functions simultaneously as a barrier to stability and a mirror of broader systems of exclusion.[79] These intertwined forces not only limit access to housing, but also reinforce stigmatizing narratives that undermine reintegration and belonging.[80] Interventions such as transitional housing programs[81] serve to

77. Emily A. Shrider & Christina Bijou, *Poverty in the United States: 2024*, U.S. CENSUS BUREAU 5 fig. 3 (Sept. 2025), https://www2.census.gov/library/publications/2025/demo/p60-287.pdf [https://perma.cc/9XY9-LXKA]. Bobo & Thompson, *supra* note 58; Scott H. Decker, Natalie Ortiz, Cassia Spohn & Eric Hedberg, *Criminal Stigma, Race, and Ethnicity: The Consequences of Imprisonment for Employment*, 43 J. CRIM. JUST. 108, 109 (2015) (noting higher rates of incarceration for Black and Hispanic men).

78. *See generally* Kimberle Crenshaw, *Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics*, 1989 U. CHI. LEGAL F. 139 (introducing the concept of "intersectionality"—the idea that people can experience discrimination in ways shaped by the interaction of overlapping identities, such as race and gender).

79. *See generally* Catalina Carpan, *Racial Profiling and Second-Class Citizenship*, 72 POL. STUDS. 249 (2024) (arguing that pervasive surveillance and profiling practices produce structural exclusion by discouraging engagement with institutions and services, thereby reinforcing stigma and limiting full social reintegration); MICHELLE ALEXANDER, THE NEW JIM CROW: MASS INCARCERATION IN THE AGE OF COLORBLINDNESS (2010) (explaining how mass incarceration and conviction-based discrimination reinforce structural racial inequality and social exclusion).

80. *See generally* Elizabeth Tobin Tyler & Bradley Brockmann, *Returning Home: Incarceration, Reentry, Stigma and the Perpetuation of Racial and Socioeconomic Health Inequity*, 45 J.L. MED. & ETHICS 545 (2017) (explaining that re-entry occurs within a broader framework of stigma, legal exclusion, and socioeconomic disadvantage, presenting obstacles to reintegration).

81. Transitional housing programs provide temporary accommodations and supportive services, including case management, employment assistance, and connections to treatment, to help formerly incarcerated individuals transition into permanent housing. *Emergency + Transitional Housing*, NYC CRIM. JUST.

help mitigate these consequences, but they are insufficient to meet the needs of formerly incarcerated individuals.

C. Association Bans

Association bans—rules that restrict personal relationships and limit contact with other system-impacted individuals—compound the disadvantage from exclusionary housing policies and represent one of the most far-reaching and intrusive forms of collateral consequences. States introduced these bans under the guise of eliminating potentially criminogenic relationships.[82] Though it is difficult to pinpoint the exact date and jurisdiction of the first association ban in the United States, the first recorded survey of parole conditions was conducted in 1956, and by then, forty-two jurisdictions imposed some form of an association ban.[83]

Association bans are a condition of parole,[84] making them difficult for individuals on parole to challenge. The Supreme Court has previously pointed out that authorities have broad discretion in determining and enforcing parole conditions.[85] The most recent parole-conditions survey

4-6 (Jan. 2026), https://criminaljustice.cityofnewyork.us/wp-content/uploads/2026/03/Emergency_Transitional_Housing_NYC_032026.pdf [https://perma.cc/9ULU-Y7VS]. Although these programs provide important short-term stability, their limited duration and capacity, combined with persistent barriers to affordable permanent housing, constrain their ability to fully address re-entry housing needs. *See* Katherine Cortes & Shawn Rogers, *Reentry Housing Options: The Policymakers' Guide*, BUREAU OF JUST. ASSISTANCE, U.S. DEP'T OF JUST. & COUNCIL OF STATE GOV'TS JUST. CTR. 2 (2010), https://csgjusticecenter.org/wp-content/uploads/2020/02/Reentry_Housing_Options-1.pdf [https://perma.cc/Q22L-KRWZ] (describing halfway houses as "a form of transitional housing" and noting "potential limitations," including availability for limited duration).

82. *See generally* Binnall, *supra* note 17, at 27, 31-32 (providing an overview of parole-supervision conditions prohibiting association with other offenders); Fiona Doherty, *Obey All Laws and Be Good: Probation and the Meaning of Recidivism*, 104 GEO. L.J. 291, 307-09 (2016) (reviewing association bans and limitations across states).

83. Nat R. Arluke, *A Summary of Parole Rules—Thirteen Years Later*, 15 CRIME & DELINQ. 267, 270 (1969).

84. Binnall, *supra* note 17, at 27.

85. *See* Morrissey v. Brewer, 408 U.S. 471, 479 (1972) ("The broad discretion accorded the parole officer is also inherent in some of the quite vague

was conducted in 2020 and found that association bans are among the most durable parole conditions over time. Some version of an association ban was reported in all six parole-conditions censuses taken between 1956 and 2020.[86] Specifically, twenty-nine states, the District of Columbia, and the federal government have association bans.[87] Some jurisdictions do not have a standardized association ban but grant discretion to field agents to impose one, and other jurisdictions have more specific bans barring, for instance, association with people actively engaged in criminal activity, incarcerated people, or gang members.[88]

Though association bans vary in their restrictions, the policies, nevertheless, reflect assumptions about criminality and risk which are not borne out by reality. Professor James M. Binnall offers one of the most comprehensive analyses to date of the widespread misconceptions about formerly incarcerated individuals. His work situates association bans within the broader architecture of collateral consequences and demonstrates the doctrinal, administrative, and practical logics that sustain them—even when research has demonstrated that the logic is faulty.[89]

Though they are supposed to serve as a protective mechanism, association bans negatively affect supervision completion and re-entry success.[90] Experiencing incarceration weakens social bonds with loved ones, increasing the need to rebuild these connections postrelease.[91] Adding

conditions, such as the typical requirement that the parolee avoid 'undesirable' associations or correspondence." (citation omitted)).

86. Benjamin Wiggins, Edward E. Rhine, Bree Crye, Robin Tu & Kelly Lyn Mitchell, *Parole Rules in the United States: Conditions of Parole in Historical Perspective, 1956-2020*, 47 CRIM. JUST. REV. 185, 200 (2021).

87. Binnall, *supra* note 17, at 27.

88. *Id.* at 34-35.

89. *See id.*

90. Wang, *supra* note 9.

91. *See* J. Z. Bennett, Abigail Henson & Grace A. Martinez, *Thicker Than Blood: Exploring the Importance of Carceral Bonds for Those Formerly Serving Juvenile Life Without Parole Sentences*, 63 CRIMINOLOGY 183, 193-95, 197-98 (2025). *See generally* Sandra Lee Browning, R. Robin Miller & Lisa M. Spruance, *Criminal Incarceration Dividing the Ties That Bind: Black Men and Their Families*, J. AFR. AM. MEN, Summer 2001, at 87 (providing an overview of how incarceration weakens social bonds between Black incarcerated people and their families); Denney et al., *supra* note 10 (providing an overview of the importance of social support during re-entry); Liu et al., *supra* note 10 (studying how different forms of social support affect re-entry outcomes).

association bans on top of what may already be a complicated and sparse social network decreases system-impacted people's ability to connect and succeed postrelease.[92] Sometimes successful re-entry is itself a condition of parole supervision: Common parole conditions require individuals to secure employment, or to stay in the same housing unless expressly permitted to move.[93] Social support and a strong social network are vital to completing these conditions.[94]

Moreover, associating with other formerly incarcerated people may be one of the only mechanisms for some special populations—like juvenile lifers, who have spent a significant portion of their lives incarcerated—to feel understood and access re-entry support, both of which are impossible if they cannot interact with other formerly incarcerated people.[95] This is also true for other dually marginalized formerly incarcerated populations. For instance, women receive "emotional, instrumental, and informational" support from other incarcerated women during incarceration and postrelease.[96] Similarly, bans prohibiting interaction with other formerly incarcerated people may disproportionately impact Black and other

92. *See* Wang, *supra* note 9 (discussing how parole and probation rules, including association bans, disrupt system-involved people's support systems).

93. Alexi Jones, *Correctional Control 2018: Incarceration and Supervision by State*, PRISON POL'Y INITIATIVE (Dec. 2018), https://www.prisonpolicy.org/reports/correctionalcontrol2018.html [https://perma.cc/EGA9-M9UY].

94. *See generally* Marva V. Goodson-Miller, *A First Look at Justice-Involved Women's Egocentric Social Networks*, 70 SOC. NETWORKS 152 (2022) (studying social networks of justice-involved women and discussing the importance of social support); Harding et al., *supra* note 11 (studying the role of romantic partners and family members in supporting successful re-entry).

95. *See* Bennett et al., *supra* note 91, at 187-200 (describing how those who serve juvenile life-without-parole sentences face obstacles in maintaining relationships with individuals outside the carceral institution, and build friendships within the prison setting). *See generally* Tarika Daftary-Kapur, Tina M. Zottoli, Tristin Faust & Ryan Schneider, *A First Look at the Reentry Experiences of Juvenile Lifers Released in Philadelphia*, 28 PSYCH., PUB. POL'Y & L. 400 (2022) (discussing the experiences of juvenile lifers in Philadelphia).

96. Stephanie Clone & Dana DeHart, *Social Support Networks of Incarcerated Women: Types of Support, Sources of Support, and Implications for Reentry*, 53 J. OFFENDER REHAB. 503, 511-12 (2014).

minoritized formerly incarcerated people who are more likely to be incarcerated and have incarcerated family members.[97]

Despite the fact that association bans undermine the very social support that facilitates successful re-entry and exacerbate existing racial and social inequities, they are still a routine part of the supervision process.[98] A recent study analyzing 187 state public records of criminal court supervision rules found that over 50% of the court programs regulated who formerly incarcerated people could interact with, and nearly 40% prohibited interactions with people who had a criminal record or felony conviction, or who were also on supervision.[99] Other programs had more specific restrictions, such as requiring supervisees to avoid certain people based on their habits and behaviors, and prohibiting supervisees from going to bars and restaurants that offer alcoholic beverages, or houses where drugs or alcohol are present.[100] In sum, association bans are just one manifestation of the carceral logics that pervade the United States criminal legal system and contribute to the "jungle" full of barriers that formerly incarcerated people face.[101]

97. Ram Sundaresh et al., *Exposure to Family Member Incarceration and Adult Well-Being in the United States*, JAMA NETWORK OPEN (May 28, 2021), https://jamanetwork.com/journals/jamanetworkopen/fullarticle/2780438 [https://perma.cc/2D6K-M8WC] (noting the increased prevalence of family member incarceration for Black individuals, suggesting that "differences in family incarceration may be an important factor in shaping Black-White disparities in national well-being, adding further evidence of the disproportionate impact of mass incarceration on the well-being of Black families and its intergenerational effects"); Yi, *supra* note 26, at 26-27; Decker et al., *supra* note 77.

98. *See generally* Binnall, *supra* note 17 (discussing the history and prevalence of association bans and arguing that those bans run contrary to the goal of rehabilitation).

99. Kate Weisburd, *Carceral Control: A Nationwide Survey of Criminal Court Supervision Rules*, 58 HARV. C.R.-C.L. L. REV. 1, 13-14 (2023).

100. *Id*. at 14.

101. *See* Christy E. Lopez, *Abolish Carceral Logic*, 17 STAN. J.C.R. & C.L. 379, 386 (2022) (defining "carceral logic" as "a punishment mindset that views retribution and control, including by physical constraint (e.g. imprisonment), surveillance (e.g. electronic monitoring via ankle bracelet), or violence, as central components of a public safety system"). *See generally* Janet Garcia-Hallett, *"We're Being Released to a Jungle": The State of Prisoner Reentry and the Resilience of Women of Color*, 99 PRISON J. 459 (2019) (describing the metaphorical jungle of postincarceration barriers).

II. NEW YORK CITY'S TREATMENT OF FORMERLY INCARCERATED PEOPLE

New York City ("NYC") serves as an ideal case study to illustrate how laws across all levels converge to create family separation and housing instability. Every month in NYC, about 2,000 people leave jails.[102] Some return to the homes they had prior to incarceration, whereas others live with family and friends, or return homeless.[103] In NYC, several local regulations, such as exclusion orders and occupancy rules, dictate housing access for formerly incarcerated people re-entering society.[104] Federal housing bans still apply in New York City Housing Authority ("NYCHA") housing, while state-level parole rules enforce association restrictions.[105] Additionally, recent policy changes within NYC allow us to examine both the persistence of collateral consequences of incarceration and emerging efforts to mitigate them.[106] In contrast, states such as California and Minnesota have pursued broader statewide limits on supervision conditions, making them useful points of comparison but less suited to capturing the cumulative, cross-level system dynamics that define re-entry in NYC.[107]

Although these policies are often framed as public-safety measures, they significantly disrupt the ability of families to remain together during re-entry, limit access to stable housing, and hinder successful reintegration.[108] For individuals whose kin networks are deeply entangled

102. *NYC Jail Population in Context: Admissions vs. Discharges*, NYC CRIM. JUST., https://criminaljustice.cityofnewyork.us/reports/nyc-jail-population-in-context-admissions-vs-discharges/ [https://perma.cc/RE7E-95ZF].

103. Juliana van Olphen, Nicholas Freudenberg, Princess Fortin & Sandro Galea, *Community Reentry: Perceptions of People with Substance Use Problems Returning Home from New York City Jails*, 83 J. URB. HEALTH 372, 378 (2006).

104. *See infra* Section II.A.

105. *See infra* note 146 and accompanying text.

106. *See infra* Section II.C.

107. *See id.*

108. The interaction of the two regimes—housing policies and nonassociation conditions—on local, state, and federal levels—creates a fragmented policy landscape in which a single conviction reverberates across multiple domains, disrupting not only housing access, but also family stability, economic security, and the possibility of reintegration. *See* Gabriel J. Chin, *The New Civil Death: Rethinking Punishment in the Era of Mass Conviction*, 160 U. PA. L. REV. 1789, 1790-95 (2012) (arguing that modern collateral consequences operate as a pervasive system of legal disabilities imposed across multiple domains—

with the criminal legal system, these constraints force a choice between maintaining family bonds and satisfying supervision requirements.[109] This recurring cycle of instability and exclusion in turn solidifies into a "carceral citizenship," that is, a marginalized status affecting people's interactions with public welfare agencies, the housing market, and even their own families.[110]

A. New York City Housing Constraints

NYC operates one of the largest jail systems in the country.[111] For thousands of New Yorkers, release from state prison means entering New

including housing, employment, family relations, and civic participation—such that a criminal conviction produces a lasting degradation of legal status akin to "civil death").

109. The federal and local legal frameworks exert a cumulative impact. The relevant authority sits in HUD's lease and termination regulations, 24 C.F.R. § 966 (2025) (for public housing); *Id.* § 982.553 (for vouchers); NYCHA's Admissions and Continued Occupancy Policy, *Admissions and Continued Occupancy Policy* chs. 3(f)(iii), 10(c)(ii), 11(e), N.Y.C. HOUS. AUTH. (rev. May 1, 2026), https://www.nyc.gov/assets/nycha/downloads/pdf/pp/admissions-and-continued-occupancy-policy-acop-final.pdf [https://perma.cc/69CS-57BC]; and the *Rucker* line of cases, Dep't of Hous. & Urb. Dev. v. Rucker, 535 U.S. 125, 130-36 (2002). Collectively, these sources of authority give PHAs broad discretion to: (1) require downsizing when underoccupancy thresholds are met; (2) demand exclusion of a culpable household member as a condition of continued tenancy; and (3) pursue termination based on household or guest conduct. *See* 24 C.F.R. § 966 (governing public housing leases, grievance procedures, and termination authority); *Id.* § 982.553 (authorizing termination of Housing Choice Voucher assistance for criminal activity by household members); *Rucker*, 535 U.S. at 130-36 (holding that PHAs may evict entire households for drug-related activity of household members or guests regardless of tenant knowledge); *Admissions and Continued Occupancy Policy*, *supra*, at chs. 10(c)(ii), 11(e) (authorizing mandatory transfers for underoccupancy, permanent exclusion of household members, and lease termination based on household or guest conduct). These doctrinal levers translate into the on-the-ground family tradeoffs described above.

110. Reuben Jonathan Miller & Forrest Stuart, *Carceral Citizenship: Race, Rights and Responsibility in the Age of Mass Supervision*, 21 THEORETICAL CRIMINOLOGY 532, 536 (2017).

111. Danielle Khalife, Quinn Hood, Christine Simon & Jenny Tiberio, *Impacts of Incarceration Among New York City Adults, 2023*, N.Y.C. DEP'T OF HEALTH & MENTAL HYGIENE 1 (Jan. 2026), https://www.nyc.gov/assets/doh/downloads/

York City's shelter system rather than returning to stable housing.[112] One-third of people admitted to NYC jails in 2023 were homeless before incarceration.[113] Over forty percent of people released from state prisons to the city that year were discharged directly into shelters.[114] In NYC, entry into the shelter system is strongly correlated with reincarceration.[115] The

pdf/epi/databrief152-impacts-incarceration-2026.pdf [https://perma.cc/ZN7D-F9HM].

112. *State of the Homeless 2024*, COAL. FOR HOMELESS (2024), https://www.coalitionforthehomeless.org/state-of-the-homeless-2024/ [https://perma.cc/YS43-9A3R].

113. *See New York City Expands Supportive Housing Eligibility for People Leaving Incarceration*, CORP. FOR SUPPORTIVE HOUS. (Aug. 15, 2025), https://www.csh.org/2025/08/new-york-city-expands-supportive-housing-eligibility-for-people-leaving-incarceration [https://perma.cc/YR2B-7LWZ] (describing New York City Council's passage of Intro 1100-A, which expands access to supportive housing for recently incarcerated individuals and addresses the jail-to-shelter cycle).

114. *Id.*; *State of the Homeless 2024: Rights Under Attack*, *Leadership in Retreat*, COAL. FOR THE HOMELESS 24 (July 2024), https://www.coalitionforthehomeless.org/advocacy-files/state-of-the-homeless-2024-rights-under-attack-leadership-in-retreat [https://perma.cc/X3NA-NPA2] (noting that as of July 2023, 41.8% of people released from state prisons to New York City were sent directly into city shelters). These figures reflect national trends. *See* Couloute, *supra* note 29 (finding formerly incarcerated people experience homelessness at nearly 10 times the rate of the general population, with rates particularly high among Black and Latinx individuals).

115. *See generally* Stephen Metraux & Dennis P. Culhane, *Homeless Shelter Use and Reincarceration Following Prison Release: Assessing the Risk*, 3 CRIMINOLOGY & PUB. POL'Y 139 (2004) (documenting that a significant proportion of individuals released from New York State prisons to NYC from 1995 to 1998 entered the municipal shelter system shortly after release, and that individuals cycle between homelessness and incarceration, undermining community reintegration). *See also* Ishita Gaur, Melissa Minnich & Heli Pinillos, *Breaking Free: Preventing the Prison-to-Shelter Pipeline*, URB. DESIGN F. (July 24, 2020), https://urbandesignforum.org/breaking-free-preventing-the-prison-to-shelter-pipeline [https://perma.cc/8NSH-T5MC] (arguing that NYC's homelessness crisis is deeply linked to its criminal legal system because people exiting prisons often go straight to homeless shelters and lack needed support services, leading to recidivism; and stressing that addressing this prison-to-shelter pipeline requires policy reforms and more robust, coordinated housing and re-entry support systems).

pathway from prison or jail to homelessness in NYC has become so prevalent that advocates now describe a "prison-to-shelter pipeline."[116] Several policies contribute to NYC's revolving door by impacting formerly incarcerated people's ability to rely on their families.

NYC public housing rules limit formerly incarcerated people's ability to rely on their families for housing by restricting whether families may house relatives with criminal records. People leaving prison often rely on family members for re-entry support, including instrumental support such as housing.[117] Many legal-system-involved people also come from low-income backgrounds and may return to families who rely on public housing.[118] When those family members live in public housing, however, federal and local housing rules may overlap to restrict whether a person with past convictions can be admitted to or added to the household. Federal law does not impose a blanket public housing ban on people with convictions. Instead, HUD's permanent nationwide admission bars are limited to households that include a person subject to a lifetime sex offender–registration requirement and households that include a person convicted of manufacturing methamphetamine on the premises of federally assisted housing.[119] But beyond those federal bars, PHAs retain discretion to adopt additional screening rules related to criminal history. NYCHA exercises that discretion through criminal-background and sex offender screening for applicants and household members age sixteen and older[120] and temporary ineligibility periods for specified felony- and misdemeanor-conviction categories.[121]

Federal regulations specifically authorize this exclusion: HUD regulations permit public housing authorities to require tenants to exclude a household member whose conduct would otherwise warrant lease

116. *See* Gaur et al., *supra* note 115. These outcomes are closely tied to regulatory structures, such as NYCHA's underoccupancy transfers and HUD rules conditioning tenancy on strict household composition. *Admissions and Continued Occupancy Policy*, *supra* note 109; 24 C.F.R. § 966.4(c) (2025).

117. *See supra* note 11 and accompanying text.

118. *See supra* notes 113-115 and accompanying text.

119. 24 C.F.R. § 960.204(a)(3)-(4).

120. *Admissions and Continued Occupancy Policy*, *supra* note 109, at ch. 3(f)(iii)(1).

121. *Appendix B: Ineligibility Dispositions*, N.Y.C HOUS. AUTH., https://www.nyc.gov/site/nycha/residents/acop/appendix-b-ineligibility-dispositions.page [https://perma.cc/A8VY-WBKX].

termination.[122] Consistent with this authority, NYCHA implements a Permanent Exclusion policy that requires a household to permanently exclude an offending household member to preserve the tenancy of the remaining members.[123] Families living in NYCHA public housing may be unable, at least temporarily, to add a relative with past convictions to the household, even when the family is willing to provide housing, caregiving, and other forms of re-entry support. Thus, local and federal systems overlap to exacerbate key collateral consequences of incarceration: family separation and housing insecurity.

Although NYCHA is the focus here, its policies raise a broader concern. As the nation's largest public housing authority, NYCHA provides affordable housing to more than 500,000 residents across public housing, Section 8, and Permanent Affordability Commitment Together (PACT)/Rental Assistance Demonstration (RAD) programs.[124] If an authority of this scale has adopted additional rules governing criminal convictions and household eligibility beyond the federal mandatory exclusions, other large public housing authorities may have similar local rules that affect whether families can provide housing support during re-entry.

NYC's "over-housed" rules and occupancy standards also make it more difficult for incarcerated people to return to their families.[125] In public housing, families who are deemed over-housed may be required to transfer to an appropriately sized unit. NYCHA's "rightsizing" policy requires residents living in extremely underoccupied apartments to move to smaller units once they have two or more surplus bedrooms.[126] As a result of these mandatory transfers, families who might otherwise retain additional space

122. 24 C.F.R. § 966.4(l)(5)(vii)(C).

123. *Permanent Exclusion – Frequently Asked Questions*, N.Y.C. HOUS. AUTH., https://www.nyc.gov/site/nycha/residents/permanent-exclusion-faq.page [https://perma.cc/FKV5-V3R6]; *Admissions and Continued Occupancy Policy*, *supra* note 109, at ch. 11(e)(i).

124. *2025 Fact Sheet*, N.Y.C. HOUS. AUTH. (Jan. 2025), https://www.nyc.gov/assets/nycha/downloads/pdf/NYCHA_Fact_Sheet.pdf [https://perma.cc/LGW2-7Q6T] (stating that NYCHA is the nation's largest public housing authority and provides affordable housing to more than 511,000 residents).

125. For families with members who become involved in the criminal legal system, mandatory transfer can result if their units become extremely underoccupied as a result of incarceration. *See Admissions and Continued Occupancy Policy*, *supra* note 109, at ch. 10(c)(ii).

126. *Id.*

for relatives returning from incarceration may lose the capacity to accommodate them when they re-enter the community.

Moreover, while federal policy requires PHAs to transfer a household to a different available dwelling unit when the unit is no longer appropriately sized,[127] NYCHA's transfer framework is not limited to moves within the same building: NYCHA's Admissions and Continued Occupancy Policy ("ACOP") states that residents may transfer to another apartment within their current development or to another development,[128] and identifies intraproject, interproject, borough-wide, and citywide transfers as possible transfer categories.[129] Thus, in NYCHA developments, rightsizing transfers may require families to move to another apartment and, depending on the transfer category applied, potentially to another development or location within the borough or city.[130] Such moves can destabilize family networks by disrupting informal caregiving arrangements, neighbor support, proximity to relatives, accessibility arrangements, and other place-based supports that families rely on. Because families are key providers of housing, transportation, emotional support, and other forms of assistance during re-entry,[131] destabilizing families' own housing circumstances may reduce their capacity to provide the stable support that successful

127. *See supra* note 50 and accompanying text.

128. *Admissions and Continued Occupancy Policy*, *supra* note 109, at ch. 10(a) ("Residents are permitted to apply for a transfer to another apartment within their current development or to another development.").

129. *Id.* at app. B (providing applicant and transfer priority codes for transfers, including "Extremely Underoccupied apartment" transfers).

130. There is no requirement that the new development be near the household's old public housing development or even in the same borough. *See Tenant Selection and Assignment Plan*, N.Y.C. HOUS. AUTH., https://www.nyc.gov/site/nycha/eligibility/public-housing-tsap.page [https://perma.cc/L4DN-945M]. Families may request to stay in their current housing development. *Id.* at Section VI ("Priority Codes"); *id.* at app. B ("Applicant and Transfer Priority Codes"). However, if there are no vacancies that match their required housing standards, they could potentially be moved to another development. Families living in extremely underoccupied apartments, which are apartments with two or more bedrooms above the requirement per NYCHA occupancy standards, are granted higher priority in apartment selection than families in underoccupied apartments, defined as apartments with one bedroom more than the occupancy standards set forth by the Housing Authority. *See id.*; *Admissions and Continued Occupancy Policy*, *supra* note 109, at app. A.

131. *See supra* note 11 and accompanying text.

community reintegration often depends upon. Although New York City is the case study here, this policy language highlights a broader concern: If similar rightsizing or transfer provisions appear in other PHA policies, families in other jurisdictions may face comparable risks of displacement from units, developments, or neighborhood-based support networks.

The New York State Board of Parole can also get in the way of stable housing and family support. For individuals returning from prison, the most immediate challenge is the requirement to secure an approved residence before release.[132] The New York State Department of Corrections and Community Supervision ("DOCCS") requires proposed residences to be approved before release and gives supervision officials broad discretion in evaluating whether a proposed residence is suitable.[133] DOCCS also requires that parole officers investigate the proposed residence to ensure that "it is a suitable place, does not violate any of the conditions of release, and will not impede the parolee's ability to successfully complete parole" or supervision.[134] But broad authority to approve or deny residences can constrain housing options for parolees, especially when family members have criminal records. DOCCS's written release conditions formally prohibit a parolee from acting "in concert with a person [the parolee] know[s] to be engaged in illegal activity,"[135] and individuals on supervision may also be subject to individualized special conditions restricting association with specific individuals, as imposed by the Board of Parole or authorized supervision officials.[136] In practice, the combination of residence-approval

132. In the parole context, under New York Executive Law 259-c, the State Board of Parole determines when and under what conditions people may be released. N.Y. EXEC. LAW § 259-c (LexisNexis 2026). The New York State Department of Corrections and Community Supervision ("DOCCS") policy requires an approved residence as a prerequisite for release. Even after parole is granted, individuals will not be released unless a proposed address is investigated and accepted by community supervision staff. *See Community Supervision*, N.Y. STATE DEP'T CORR. & CMTY. SUPERVISION, https://doccs.ny.gov/community-supervision-handbook/community-supervision [https://perma.cc/WG4D-FPZK].

133. *Community Supervision*, *supra* note 132.

134. *Id.*

135. *Id.*

136. N.Y. COMP. CODES R. & REGS. tit ix, §§ 8003.2(13), 8003.3 (2026); N.Y. STATE DEP'T OF CORR. & CMTY. SUPERVISION, COMMUNITY SUPERVISION HANDBOOK 20 (explaining that special conditions may include prohibitions against associating with specific individuals).

discretion and association restrictions can constrain whether a person is permitted to return to a household that includes family members or others who are themselves under supervision.

DOCCS guidance identifies emergency housing or shelter as a permissible, though expressly nonpreferred, residence option when an individual has nowhere else to live, and directs parole officers to assist individuals in identifying possible residences with family or friends.[137] Yet shelter placement remains a significant feature of re-entry in NYC: In 2023, more than forty percent of people released from New York State prisons to the city were discharged directly into shelters.[138] This gap between DOCCS's stated preference for family- or friend-based residences and the prevalence of shelter discharge illustrates the broader housing constraints facing people returning from incarceration.

Taken together, these housing and supervision constraints can limit opportunities for family-based re-entry, even though family support is consistently associated with successful reintegration. Incarceration in NYC is disproportionately concentrated in disadvantaged, predominantly Black neighborhoods—including in public housing developments—which magnifies the racialized effects of these housing restrictions.[139] When all these policies and systems overlap, families face an impossible choice: Either take in a returning relative and risk (1) being found "underoccupied" and forced to move upon the family member's reincarceration, (2) being required to permanently exclude that person, and (3) being exposed to termination-of-tenancy proceedings if the returning relative engages in conduct that violates NYCHA's rules, regulations, or other applicable policies—or refuse to house the relative.[140]

---

137. *Id.*

138. *See New York City Expands Supportive Housing Eligibility for People Leaving Incarceration*, *supra* note 113.

139. *See generally* Jay Holder, Ivan Calaff, Brett Maricque & Van C. Tran, *Concentrated Incarceration and the Public-Housing-to-Prison Pipeline in New York City Neighborhoods*, PROCS. NAT'L ACAD. SCIS. U.S., Sept. 6, 2022 (examining risk of incarceration in NYCHA neighborhoods and the racial disparity).

140. Legal aid guidance and NYCHA's own materials underscore how charges of undesirable conduct can culminate in termination proceedings. *See Admissions and Continued Occupancy Policy*, *supra* note 109, at ch. 11(e) (explaining that NYCHA may initiate termination-of-tenancy proceedings based on prohibited conduct by a resident, family member, or guest, and identifying grounds for termination including nondesirability and breach of rules and regulations); *see also How Do I Handle Termination of Tenancy Procedures?*, MOBILIZATION FOR JUST. 1 (Mar. 1, 2016),

B. New York City Association Bans

On top of these housing constraints, New York's supervision conditions often regulate with whom people on parole or probation may live or even interact.[141] DOCCS's standard conditions require parolees to comply with all instructions from their parole officer and any "special conditions" tailored to their circumstances.[142] The written rules formally prohibit acting "in concert with a person [the parolee] know[s] to be engaged in illegal activity," but in practice, individuals on supervision frequently receive additional conditions restricting association with people who have criminal records or who are themselves under supervision.[143] Guidance materials provided to individuals preparing for parole explicitly list "[y]ou may not associate with people who have criminal records" as a common condition of release.[144] Federal probation rules in New York similarly instruct that

---

https://mobilizationforjustice.org/wp-content/uploads/NYCHA-How-Do-I-handle-termination-of-tenancy-March-2016.pdf [https://perma.cc/ZZA2-2PEK] ("NYCHA can terminate your tenancy (evict you) for the following reasons: . . . Bad conduct (such as use or possession of drugs) by you or anyone living in your apartment or visiting frequently, showing: danger or nuisance to your neighbors, a sex or morals offense in or near a NYCHA project, danger to NYCHA employees, or damage to NYCHA property.").

141. In this Section, "association bans" refer to restrictions imposed as conditions of community supervision—including New York's parole or postrelease supervision—and probation, along with comparable federal probation or supervised-release conditions, rather than to rules that apply to all formerly incarcerated people.

142. N.Y. COMP. CODES R. & REGS. tit. ix, § 8003.2(12)-(13) (2026) (requiring released individuals to "fully comply with the instructions of [their] Parole Officer" and to "fully comply with those special conditions set by [their] Parole Officer, a Member of the Board of Parole or an authorized representative of the Board or the Department of Corrections and Community Supervision" as part of the conditions of release to community supervision); *see also id.* § 8003.1(b) (stating that parolees are "expected to comply faithfully with all conditions specified in writing at the time of [their] release and with all other conditions and instructions, whether oral or in writing, given [them] by the board . . . or a parole officer").

143. *Id*. § 8003.2(7).

144. COLUMBIA HUM. RTS. L. REV., A JAILHOUSE LAWYER'S MANUAL 1119, 1136 (13th ed. 2024) (explaining standard and special conditions of parole in New York, including restrictions on associating with individuals who have criminal records).

defendants "must not communicate or interact with someone [they] know is engaged in criminal activity" or with someone they know has been convicted of a felony, "without first getting the permission of the probation officer."[145]

New York State has an association ban providing that the person under supervision will not "act in concert with a person [they] know to be engaged in illegal activity."[146] This ban can be characterized as a Category 3 ban, following Professor Binnall's system of classification, which situates association bans within the broader architecture of collateral consequences and provides a useful analytical framework for understanding the breadth and variation of these conditions across jurisdictions (see Table 1).[147]

Table 1: Binnall Association Ban Categories

Category	Definition
1	Restricts formerly incarcerated people from associating with other individuals who have **past convictions** (e.g., people currently on supervision or those previously convicted of crimes).
2	Restricts formerly incarcerated people from associating with individuals who are actively engaged in criminal activity, belong to a gang, or are **currently incarcerated**.
3	Prohibits association **only** with individuals actively **engaged in criminal activity**.
4	Leaves association restrictions to the **discretion of the supervising agent**, resulting in varied and often inconsistent enforcement.

145. *See AO 245B: Judgment in a Criminal Case*, U.S. CTS. 3A, Standard Condition No. 8 (Dec. 2016), https://www.uscourts.gov/sites/default/files/ao245b.pdf [https://perma.cc/KH3P-QBKN]; *see also* 18 U.S.C. § 3563(b)(6) (2024) (authorizing courts to impose conditions restricting association with specified persons).

146. *Community Supervision, supra* note 132.

147. Binnall, supra note 17, at 35-36.

Although New York State's Category 3 ban is more lenient than Category 1 and 2 bans, additional supervision conditions may be imposed by a parole officer, the Board of Parole, or an authorized representative of DOCCS.[148] For individuals whose kin networks are deeply entangled with the criminal legal system, these constraints force a choice between maintaining family bonds and satisfying supervision requirements.[149] States should revise parole and probation conditions to create family-based exceptions to association bans, so that individuals are not placed in the position of having to choose between compliance with supervision conditions and maintaining important bonds with parents, partners, children, or other family members.

Person-based association restrictions operate in a landscape where criminal records and incarceration histories are heavily concentrated in a small number of predominantly Black neighborhoods throughout NYC.[150] Incarceration in New York City is geographically concentrated, with the highest rates occurring in many of the city's most disadvantaged neighborhoods.[151] This concentration is particularly pronounced in neighborhoods containing NYCHA developments, where incarceration rates are substantially higher than in neighborhoods without NYCHA developments.[152] In this context, a restriction forbidding association with people who have felony convictions or supervision status does far more than prohibit interaction with a narrow set of "criminogenic" peers; it marks parole supervision and its conditions as intentional forms of structural violence used to maintain control, encourage criminality, and reinforce subjugation and inequality.[153] For example, Black people are

148. *Community Supervision*, *supra* note 132.

149. *See* Wang, *supra* note 9; *supra* notes 7-10 and accompanying text.

150. Holder et al., *supra* note 139.

151. Jeffrey Fagan, Valerie West & Jan Holland, *Reciprocal Effects of Crime and Incarceration in New York City Neighborhoods*, 30 FORDHAM URB. L.J. 1551, 1553–54 (2003).

152. Holder et al., *supra* note 139, at 4.

153. *See generally* Jennifer M. Ortiz & Hayley Jackey, *The System Is Not Broken, It Is Intentional: The Prisoner Reentry Industry as Deliberate Structural Violence*, 99 PRISON J. 484 (2019) (discussing the structural mechanisms that impose limitations on re-entrants); Jennifer M. Ortiz & Kimberly Wrigley, *The Invisible Enclosure: How Community Supervision Inhibits Successful Reentry*, 7 CORRECT. POL'Y, PRACT. & RSCH. 230 (2022) (discussing how community supervision practices constrain and limit the lives of formerly incarcerated people).

overrepresented in correctional populations in NYC[154] and New York State[155] and are more likely to have incarcerated family members across the United States.[156] Person-based association restrictions therefore may disproportionately harm Black people's successful completion of supervision because they cannot interact with their networks.[157]

The combined operation of New York's housing rules, shelter system, and parole supervision practices may significantly disrupt the ability of families to remain together during re-entry. A person leaving prison may be required to present an approved residence before release,[158] yet once

154. Sarah Monaghan, Michael Rempel & Tao Lin, *Racial Disparities in the Use of Jail Across New York City, 2016-2021*, at 6 (2023), https://datacollaborativeforjustice.org/wp-content/uploads/2023/02/DisparitiesReport-27.pdf [https://perma.cc/6J7W-7PRJ].

155. *New York Profile*, PRISON POL'Y INITIATIVE, https://www.prisonpolicy.org/profiles/NY.html?gad_source=1&gad_campaignid=22940724410&gbraid=0AAAADuNMRmQFcyd2gDo4k0OBzQ7mAmZ8&gclid=CjwKCAiAtq_NBhA_EiwA78nNWNTwpn2X0ch4ntxmrg8P1Dat5EGgzD7Fjoe2I0GBUYef7obtrUapUhoCmiYQAvD_BwE [https://perma.cc/3GT3-AFF6]. Many other state correctional populations have similar demographic composition, with Black and minoritized people being overrepresented. *See* Sawyer & Wagner, *supra* note 26.

156. Sundaresh et al., *supra* note 97, at 2 ("An estimated 63% of Black individuals in the US have had an immediate family member who was incarcerated, compared with 45% of individuals in the US overall."); Yi, *supra* note 26, at 18 ("Family demographic research would suggest that the impacts of incarceration of family members other than parents, partners, or children [such as of siblings] may be more severe for Black persons and families, who are simultaneously at higher risk of carceral contact . . . .").

157. Historical and contemporary forms of racial segregation, including redlining, public housing siting, and exclusionary zoning, have concentrated Black New Yorkers into a limited number of neighborhoods, making neighborhood disadvantage not only spatially patterned but explicitly racialized. *See generally Where We Live NYC 2025: A Fair Housing Plan*, N.Y.C. (Dec. 2025), https://wherewelive.cityofnewyork.us/wp-content/uploads/2025/12/WWL-2025-Final-Plan.pdf [https://perma.cc/7FND-VJKT] (describing the continuing effects of redlining and discriminatory housing practices on Black New Yorkers' residential patterns); RICHARD ROTHSTEIN, THE COLOR OF LAW: A FORGOTTEN HISTORY OF HOW OUR GOVERNMENT SEGREGATED AMERICA 64-75, 114-32 (2017) (explaining how federal and local housing policies, including redlining and public housing placement, produced durable racial segregation in cities such as New York).

158. *See* N.Y. COMP. CODES R. & REGS. tit. ix, § 8002.2(d)(3) (2026) (requiring the Board of Parole to consider a proposed release plan, including "community

released, NYCHA's criminal-history screening and temporary-ineligibility rules may restrict whether that person can be added to a family household.

Housing exclusion following release does not operate as an isolated barrier but instead amplifies prior disadvantage, increasing surveillance, instability, and the likelihood of continued system contact in ways that disproportionately entrench inequality across the course of a lifetime.[159] Although these policies are often framed as public-safety measures, they threaten to separate families who want to reunify and limit access to stable housing, factors strongly associated with successful reintegration.[160] For individuals whose kin networks are deeply entangled with the criminal legal system, these constraints force a choice between maintaining family bonds and satisfying supervision requirements.

C. New York State and City Reforms

Recent reforms in New York suggest that when legislative action and community advocacy converge, housing restrictions and supervision policies can prevent collateral displacement of families. These reforms were shaped by years of research, litigation, and testimony demonstrating how existing rules contributed to homelessness, shelter overuse, and unnecessary family separation.

Policies such as the Less Is More Act,[161] NYCHA's revisions to its permanent exclusion practices, and the development of housing programs

---

resources, employment, education and training and support services available to the inmate"); *Preparing for Parole*, N.Y. STATE DEP'T CORR. & CMTY. SUPERVISION, https://doccs.ny.gov/preparing-parole [https://perma.cc/XA9N-C6L6] (explaining that release is contingent on an approved residence plan verified by DOCCS).

159. *See supra* notes 30-34 and accompanying text; Dallas Augustine & Margot Kushel, *Community Supervision, Housing Insecurity, and Homelessness*, 701 ANNALS AM. ACAD. POL. & SOC. SCI. 152, 159-60 (2022).

160. *See supra* notes 10-13, 28-34 and accompanying text.

161. Less Is More: Community Supervision Revocation Reform Act, S. 1144A, 2021-2022 Leg., Reg. Sess. (N.Y. 2021) (codified as amended in scattered sections of N.Y. EXEC. LAW); *see also Less Is More New York*, KATAL CTR. (Dec. 8, 2021), https://lessismoreny.org [https://perma.cc/QM62-TSQD] (describing provisions of the Act, including statutory limits on reincarceration for technical parole violations, earned-time credits, and expedited hearings).

specifically designed for family reunification[162] reflect a shift toward more individualized, evidence-based approaches that support successful re-entry. The Less Is More Act represents a significant shift away from supervision practices that destabilize housing and family life by sharply limiting reincarceration for technical parole violations. Prior to the Act, 85% of parolees reincarcerated in New York were sent back for non-criminal parole violations, such as testing positive for alcohol or drug use, or missing parole appointments.[163] The Less Is More Act reduces automatic detention, shortens revocation timelines, and incentivizes early discharge from supervision,[164] thus decreasing the likelihood that minor supervision violations will trigger loss of housing, shelter placement, or renewed separation from family. In this way, the reform directly targets one of the primary mechanisms through which community supervision has historically produced housing instability and cumulative disadvantage during re-entry.

At the same time, other jurisdictions, such as California and Minnesota, have implemented broader statewide limitations on supervision conditions, demonstrating that New York is not the national leader in all areas of reform. California has enacted statutory limits on probation length and

162. John Bae, Margaret diZerega, Jacob Kang-Brown, Ryan Shanahan & Ram Subramanian, *Coming Home: An Evaluation of the New York City Housing Authority's Family Reentry Pilot Program*, VERA INST. OF JUST. 11, 27 (Nov. 2016), https://vera-institute.files.svdcdn.com/production/downloads/publications/NYCHA_report-032917.pdf?dm=1568746238 [https://perma.cc/YT5L-XG7H] (describing NYCHA's Family Re-entry Pilot Program, launched in 2013 to allow eligible individuals returning from incarceration to reunite with family members living in NYCHA public housing, and explaining how the program created an exception to ordinary NYCHA eligibility restrictions for participating families); *Emergency Transitional Housing*, NYC MAYOR'S OFF. CRIM. JUST., https://criminaljustice.cityofnewyork.us/programs/transitional-housing/ [https://perma.cc/NJN5-5SXQ] (describing New York City's transitional-housing program for justice-involved individuals experiencing homelessness, including congregate, scattered-site, family-unit, and supportive housing, and explaining that the City increased its investment in transitional housing beginning in 2021).

163. *New York's Less Is More Act: A Status Report on Implementation*, KATAL CTR. (Mar. 2, 2022), https://katalcenter.org/2022/03/new-yorks-less-is-more-act-a-status-report-on-implementation-3/ [https://perma.cc/7G7Y-QNW6]

164. *Less Is More New York*, *supra* note 161 (describing provisions of the Act that limit automatic detention for alleged technical violations, provide expedited hearings for alleged parole violations, and establish earned-time credits that can reduce the period of community supervision).

supervision terms, substantially reducing the period during which individuals are subject to technical violations and surveillance-based controls.[165] Minnesota's reforms limit the imposition of sentences for technical violations of probation conditions by favoring rehabilitation over incarceration for first-time noncriminal violations such as staying out past curfew or committing a petty misdemeanor.[166] Together, these reforms illustrate that while New York has pursued important reforms, other states have adopted more sweeping constraints on supervision that further reduce the reach of carceral control during re-entry.

Recent reforms underscore the need to evaluate New York's re-entry policies through the lens of stability, family connection, and access to long-term housing. Policies that restrict where people can live and with whom they can associate do not merely affect individual behavior—they shape the capacity of families and communities to support one another during and after incarceration. Understanding these consequences provides clearer guidance for policymakers seeking to strengthen re-entry outcomes and reduce reliance on the shelter system.

III. LEGAL & POLICY REFORM

Reform in the areas of housing and community supervision requires decision-makers to fundamentally reconsider how law and policy conceptualize family stability within the re-entry process. Although the re-entry process places substantial importance on securing an approved residence before release,[167] family support is also strongly associated with successful reintegration.[168] Residency restrictions, prohibitions on living in public or subsidized housing, and limits on who may reside in the home can make it impossible for a returning citizen to join or remain with family members—cutting off a major resource for successful reintegration.

165. *See* CAL. PENAL CODE §§ 1203.1(a), 1203a(a) (Deering 2026) (generally limiting felony probation terms to two years and misdemeanor probation terms to one year, subject to statutory exceptions); *id.* § 1203.1(c)-(h) (setting out acceptable terms for probation).

166. *See* MINN. STAT. ANN. § 609.14 (West 2026) (providing that probation revocation should be used only "as a last resort when rehabilitation has failed" and identifying certain first-time probation violations for which continued rehabilitation is favored over confinement absent a showing that the person's continued presence in the community would "present a risk to public safety").

167. *See supra* notes 132-134 and accompanying text.

168. *See supra* notes 10-14 and accompanying text.

These tensions are further compounded by standard supervision conditions that bar individuals from associating with others who have felony convictions. Given the well-documented concentration of incarceration within certain neighborhoods and kinship networks,[169] such conditions are, for many, structurally impossible to satisfy. Together, these contradictions reveal that family ties and residential security are not peripheral concerns; they are foundational to both public safety and administrative coherence.

A legal framework committed to meaningful re-entry must reconcile these inconsistencies by ensuring that housing and supervision policies support, rather than undermine, the stability they formally require. The following recommendations propose how policymakers can recalibrate existing statutory and doctrinal approaches to better reflect commitments to family integrity. These recommendations seek to demonstrate how a re-entry regime that accounts for relational and procedural fairness can advance not only individual rehabilitation but also systemic coherence and public stability. Particular attention is given to laws governing parole conditions, tenancy restrictions, and administrative discretion.

A. Reframing Housing and Supervision Policy

Reform requires a fundamental shift in how housing and supervision are understood in the re-entry context. Existing rules treat the presence of system-involved individuals in public housing as a liability, and parole and probation conditions frequently prohibit contact with family members who share a criminal history. These punitive frameworks presume risk and impose separation as the default response. A reframed approach would begin with the assumption that family stability and secure housing are protective factors that reduce the likelihood of reoffending. This orientation away from carceral logics would not only align with empirical evidence but also respond to pressing legal concerns.

Moving toward a supportive reintegration model would mean that tenancy restrictions are only imposed where there is clear, current evidence of risk, and even then, they should be narrowly tailored and subject to periodic review. Courts and policymakers have tools for such reframing. For

169. *See supra* notes 139, 150-152 and accompanying text; Pil H. Chung & Peter Hepburn, *Mass Imprisonment and the Extended Family*, 5 SOCIO. SCI. 335, 347–52 (2018) (documenting the concentration of imprisonment within extended kinship networks and substantial racial disparities in exposure to imprisoned family members).

example, in *Turner v. Safley*, the Supreme Court recognized that restrictions on inmate rights must be "reasonably related" to legitimate penological interests.[170] A similar proportionality standard could be applied to tenancy restrictions, requiring that exclusions be demonstrably connected to safety concerns.

The reforms discussed below demonstrate that this reframing is already beginning, but they should be understood as partial steps rather than a completed transformation of re-entry policy. They move away from categorical exclusion and toward individualized consideration, housing access, and reintegration, but they do not fully resolve the housing and family-separation problems identified throughout this Feature. Our argument is therefore not that policymakers must begin from scratch, but that these emerging reforms provide a foundation that should be extended across jurisdictions and more fully integrated into housing and supervision policy. Policymakers at the federal, state, and local levels have already considered, and even introduced, legislation to limit tenancy restrictions on formerly incarcerated individuals in the name of "fair chance housing."[171] In 2019 Congress considered the Fair Chance at Housing Act, which would have prohibited blanket denials of federally assisted housing based solely on criminal records.[172] The proposed legislation sought to expand public housing eligibility for formerly incarcerated individuals and establish a more holistic application-review process, such as requiring PHAs to "conduct an individualized review" and consider specified review factors, including evidence of rehabilitation.[173] Although the bill did not pass, it provides a legislative blueprint for supporting housing stability and overall re-entry success, as it set limits on the types of convictions PHAs could consider in housing applications.

These bills can also operate on a city level. In January 2025, NYC enacted its Fair Chance for Housing Act ("Fair Chance Housing law"), which works to give applicants a "fair chance" at obtaining housing in both the public and

170. 482 U.S. 78, 89 (1987).

171. *See generally* Thomas Stanley-Becker, *Breaking the Cycle of Homelessness and Incarceration: Prisoner Reentry, Racial Justice, and Fair Chance Housing Policy*, 7 U. PA. J.L. & PUB. AFFS. 257 (2022) (discussing the response to housing discrimination against formerly incarcerated people at the federal, state, and local levels, and the development of fair chance housing policy at the local level).

172. Fair Chance at Housing Act of 2019, S. 2076, 116th Cong. § 3 (2019).

173. *Id.*

private housing markets before their criminal history comes into play.[174] According to the ordinance, landlords are not allowed to consider an applicant's criminal record until they have given a conditional offer of acceptance based on a housing applicant's other qualifications.[175] NYC's Fair Chance Housing law generally applies to individuals and entities with authority to approve or deny housing applications,[176] subject to specified exceptions, including certain owner- or family-occupied housing arrangements.[177] For publicly assisted housing, the law also permits the use of criminal-history eligibility criteria required by federal or state law or necessary to obtain the benefits of a federal or state program.[178] While the Fair Chance Housing law offers some relief in the private rental market, the protections are particularly consequential given the scale of NYCHA's housing programs: NYCHA's public housing program alone houses approximately 276,000 authorized residents, while its public housing and Section 8 programs together serve 5.9% of New York City's population.[179]

New York State also recently enacted a law that helps ex-convicts secure housing through a novel record-sealing program. New York's Clean Slate

174. Fair Chance for Housing Act, N.Y.C., N.Y., LOCAL LAW NO. 24 (2024) (codified as amended in scattered sections of N.Y.C., N.Y. ADMIN. CODE tit. viii).

175. N.Y.C, N.Y. ADMIN. CODE tit. viii, ch. 1, § 8-107(5)(o)(4)(B) (2026). When reviewing housing applications, the following types of convictions may be considered: (1) misdemeanor convictions within three years of release from incarceration; (2) felony convictions within five years of release from incarceration; and (3) any conviction requiring the applicant to be registered as a sex offender at the time the background check is conducted. However, the following cannot be considered: juvenile convictions; pending arrests; convictions that are sealed, expunged, vacated, or subject to an executive pardon; convictions for technical violations; and convictions in another jurisdiction for certain protected conduct that would have been lawful in New York City, such as seeking reproductive or gender-affirming care. *Id.* §§ 8-102a, 8-107(5)(o)(1); Jordan J. Metzger, Tara D. Ryan & Matthew P. Asnis, *Fair Chance for Housing Act: What NYC Housing Providers Need to Know*, COLE SCHOTZ (Feb. 18, 2025), https://www.coleschotz.com/fair-chance-for-housing-act-what-nyc-housing-providers-need-to-know [https://perma.cc/C6HV-4GBC].

176. N.Y.C, N.Y. ADMIN. CODE tit. viii, ch. 1, § 8-107(5)(o)(1).

177. *Id.* § 8-107(5)(o)(8)(A)-(B).

178. *Id.* § 8-107(5)(m); Metzger et al., *supra* note 175.

179. *2026 NYCHA Budget Book*, N.Y.C. HOUS. AUTH. 3 (2026), https://www.nyc.gov/assets/nycha/downloads/pdf/financial-info/fy-2026-2030-budget-book.pdf [https://perma.cc/W4KW-AYZV].

Act, which took effect in November 2024, provides for the automatic sealing of eligible criminal convictions by November 2027.[180] Once sealed, those conviction records generally cannot be accessed by or made available to public or private entities, subject to specified statutory exceptions,[181] and generally cannot be used as a basis for denying an individual housing.[182] Conviction records become eligible for sealing after a designated period has passed since release from incarceration or imposition of a sentence, if incarceration was not imposed. For felony convictions, the waiting period is eight years; for misdemeanor convictions, it is three years.[183] However, certain offenses, such as sex crimes and non-drug-related Class A felonies, are not eligible for sealing under this Act.[184] Once convictions are sealed, individuals who qualify will have more equitable opportunities to obtain housing, since their less recent criminal history will no longer be accessible to landlords. By removing older convictions from these background reports, sealing directly mitigates the categorical exclusions, discretionary denials, and eviction risks described in Section II.A, thereby narrowing one of the most significant structural housing barriers facing people with criminal records. New York therefore stands on both sides of the transition towards supporting family unification and successful re-entry. Reforms such as the Fair Chance Housing Law and Clean Slate Act reflect meaningful movement toward a less exclusionary approach to housing, while the broader supervision and housing restrictions discussed above remain in place; thus, New York's recent reforms represent important steps toward reframing, although the state is not a national leader across all dimensions of re-entry policy.

B. Suggested Reforms to Housing and Supervision Policies

Family unification should be a driving factor in shaping parole conditions, exclusion determinations, receipt of housing support, and government support for community-driven initiatives. This Section focuses on four different types of reforms that would support family unification: (1)

180. Clean Slate Act, N.Y. CRIM. PROC. LAW § 160.57(6) (Consol. 2026); *New York State's Clean Slate Act*, N.Y. STATE UNIFIED CT. SYS., https://www.nycourts.gov/cleanslate [https://perma.cc/CQ85-7EYA].

181. N.Y. CRIM. PROC. LAW § 160.57(1)(d).

182. N.Y. EXEC. LAW § 296(16) (Consol. 2026)

183. N.Y. CRIM. PROC. LAW § 160.57(1)(b)(i)-(ii).

184. *Id.* § 160.57(1)(b)(v).

changing parole and probation conditions; (2) supplying housing for formerly incarcerated people and their families; (3) revising eviction and exclusion policies; and (4) mobilizing communy-based re-entry initiatives. The chart at Table 2 displays proposed reforms at the local, state, and federal level for each of these areas.

Table 2: Chart of Proposed Reforms

1. Parole and Probation Conditions

Given the central role that family support plays in successful reintegration, the first priority for legislative and administrative reform should be to restructure supervision conditions to protect, rather than undermine, core familial bonds. States should revise parole and probation

Reform Area	Local Action	State Action	Federal Action
Parole/ Probation Conditions	Modify conditions to permit family-based exceptions; adopt review procedures	Standardize family-reunification exceptions statewide	Issue federal probation guidance encouraging reunification language
Housing Supply	Allocate dedicated units for re-entry households in public housing	Create state-level re-entry vouchers; fund nonprofit traditional housing	Establish Re-entry Family Unification Vouchers though HUD; expand Family Unification Program/Family Re-entry Program
Eviction/ Exclusion Policies	Revise ACOPs to limit permanent exclusion and underoccupancy transfers	Enact Fair Chance Housing laws; codify "good cause" protections	Issue HUD guidance requiring individualized risk assessments; narrow use of strict liability lease clauses
Community-Based Solutions	Fund and partner with grassroots re-entry housing providers	Scale nonprofit-run transitional housing; provide block grants for family-based programs	Expand federal support for community-led re-entry initiatives and pilot programs

conditions to create family-based exceptions to association bans, ensuring that individuals are not forced to choose between compliance and maintaining bonds with parents, partners, or children.[185] Comparable reforms should occur at the local and federal levels. Local supervision authorities could adopt review procedures that presumptively permit family association unless an individualized determination identifies a specific safety risk, while federal probation guidance could encourage courts and probation officers to use similarly tailored family-reunification language when imposing or modifying supervision conditions. The reforms discussed here address the legal processes that govern how supervision conditions are imposed, rather than a single statute. Although parole and probation conditions are not themselves created by legislation, they are produced through administrative and judicial procedures that grant broad discretionary authority to supervision agencies and courts; it is these procedures, rather than any particular law, that require restructuring to ensure transparency, written justification, and meaningful avenues for review.

Exceptions can be limited by documented risks and reassessed over time to protect public safety while still recognizing the value of family in supporting reintegration. States could also adopt statutes requiring supervision agencies, like DOCCS, to justify in writing any restriction on family association on an individualized basis, with administrative hearings available to challenge overly broad or unjustified bans. Such measures would help prevent the routine separation of families based solely on an individual's offense, ensuring that limitations on contact are imposed only when supported by clear evidence of risk and not by categorical or punitive assumptions.

2. Housing Supply

Housing policies must also evolve to reflect a commitment to bolstering housing support through family reunification. One suggestion is that federal and state governments could create re-entry-specific housing vouchers and dedicate a portion of public housing units to households engaged in family reunification after incarceration. This model could be built on the federal Family Unification Program ("FUP"), which is administered by HUD in partnership with local public housing authorities and already provides

185. *See* Wang, *supra* note 9.

Housing Choice Vouchers for families who are at risk of having children placed in foster care due to inadequate housing.[186]

A possible objection to this program would be that dedicating vouchers to re-entering individuals would unfairly prioritize people with convictions over others in need. However, these vouchers are not about conferring special rewards; rather, they would focus on mitigating the well-documented risks of homelessness, family separation, and reincarceration that accompany re-entry. Targeted vouchers function like other purpose-built housing programs: They address a specific, demonstrated barrier to stability and, in doing so, advance both family integrity and community safety. By expanding FUP to explicitly cover households with re-entering family members, HUD could institutionalize a federal mechanism for preserving family unity during reintegration. Such reforms would move housing policy closer to a system that recognizes family stability as essential to both reintegration and long-term community well-being.

3. Eviction Policy

States, or HUD, could also limit the discretion of local housing authorities to evict or deny housing to families solely because of the presence of formerly incarcerated individuals. Instead, there could be a requirement of individualized assessments and proportional responses rather than a blanket denial of housing. At the local level, PHAs could revise their Admissions and Continued Occupancy Policies to limit permanent exclusions and reduce the family disruption produced by underoccupancy transfer rules when household composition changes because of incarceration or re-entry. Such revisions would allow local housing authorities to preserve family-based housing where possible, rather than treating exclusion or displacement as the default response. Such guidance could mirror the previously discussed Fair Chance at Housing Act of 2019, which called for a more holistic approach to assessing the housing eligibility

186. Patrick J. Fowler & Michael Schoeny, *The Family Unification Program: A Randomized-Controlled Trial of Housing Stability*, 94 CHILD WELFARE 167, 169, 172 (2015); *see also* Ramona K. C. Finnie et al., *Tenant-Based Housing Voucher Programs: A Community Guide Systematic Review*, 28 J. PUB. HEALTH MGMT. & PRAC. E795, E801 (2022) (finding that "tenant-based voucher programs are effective in improving health and health-related outcomes, including housing quality and security, health care use, and neighborhood opportunities (eg, lower poverty level, better schools) for adults").

of families with formerly incarcerated individuals.[187] A new directive could modify that Act to operate on the state and local levels, emphasizing that tenancy cannot be terminated absent a nexus to current safety risks.

4. Community-Based Solutions

Alongside formal legal reforms, community-driven approaches are essential. By supporting such models through public funding, technical assistance, and policy alignment, government actors at all levels can ensure that family stability is understood as a public good rather than a private risk. At the federal level, this approach could include dedicated funding for community-led re-entry initiatives and pilot programs that provide housing and family-reunification support. Federal investment could also help successful local programs expand beyond individual jurisdictions while preserving partnerships with community-based organizations.

Grassroots initiatives already model how housing can be leveraged as a tool for reunification rather than exclusion. Family re-entry programs, transitional housing operated by nonprofit organizations, and community-based restorative housing models emphasize not only material stability but also relational repair. The Fortune Society's "Castle" in Harlem provides supportive housing for formerly incarcerated individuals and their families, with services designed to facilitate stability and connection.[188] Similarly, California's Proposition 47 reinvestment grants demonstrate how public investment can support community-based organizations providing housing assistance alongside mental health treatment, substance-use treatment, case management, employment assistance, and other re-entry services.[189] These models illustrate how government agencies can partner with community-based organizations to provide housing as one component of a broader re-entry-support infrastructure.

187. Fair Chance at Housing Act of 2019, S. 2076, 116th Cong. (2019).

188. *Castle Gardens*, N.Y. HOUS. CONF., https://thenyhc.org/projects/castle-gardens [https://perma.cc/C6HV-4GBC].

189. *See Proposition 47 Grant Program*, BSCC CAL., https://www.bscc.ca.gov/s_bsccprop47/#reports [https://perma.cc/8W22-3S7N].

C. Rethinking Risk in Re-Entry: Addressing Safety and Fairness Concerns

The Supreme Court has invoked public-safety concerns in explaining Congress's decision to grant public housing authorities broad eviction authority, reasoning that limiting such authority could compromise efforts to address drug-related and other criminal activity in public housing.[190] That view assumes that categorical exclusion is the only reliable way to mitigate risk. Yet empirical evidence and existing supervision law point in the opposite direction.

Research consistently shows that family stability, housing security, and durable social ties are among the strongest predictors of successful reintegration and lower recidivism.[191] Housing and association policies should therefore support family-based reintegration while addressing demonstrated safety risks through individualized assessment rather than categorical exclusion. Federal law governing probation and supervised release already reflects this individualized approach by requiring that conditions be reasonably related to rehabilitation and public safety and impose no greater deprivation of liberty than necessary.[192] Judicial guidance similarly emphasizes individualized assessments rather than boilerplate prohibitions.[193] Narrow housing and association reforms would simply extend this evidence-based, individualized framework into public housing and community supervision.

Restrictive housing policies and association bans undermine housing stability and enduring family ties, and therefore public safety. These

190. Dep't of Hous. & Urb. Dev. v. Rucker, 535 U.S. 125, 133-34 (2002) (invoking the public-safety rationale as an "obvious reason why Congress would have permitted local public housing authorities to conduct no-fault evictions").

191. *See, e.g.*, Mark T. Berg & Beth M. Huebner, *Reentry and the Ties That Bind: An Examination of Social Ties, Employment, and Recidivism*, 28 JUST. Q. 382, 401-03 (2011); Mowen, supra note 10, at 501-09.

192. 18 U.S.C. §§ 3553(a), 3563(b), 3583(d) (2024).

193. *See, e.g.*, United States v. Betts, 886 F.3d 198 (2d Cir. 2018). In *Betts*, the Second Circuit Court of Appeals found that a total blanket ban on alcohol as a supervised-release condition was not a reasonable condition given that there was no evidence that the ban was related to the defendant's offense. *Id.* at 202-03. The court emphasized that conditions should not be broadly applied to individuals but rather each special condition of supervised release must be justified by evidence and clearly related to the defendant's crimes or rehabilitation needs. *Id.* at 202.

challenges are most acute in communities where incarceration and criminal records are heavily concentrated. Research on coercive authority shows that imprisonment is clustered in predominantly Black neighborhoods in which many residents have a record or a close family member who has been incarcerated. In such settings, conditions prohibiting association with people who have felony convictions or are under supervision make legal compliance nearly impossible without severing family and community ties. The contradiction is particularly stark in the parole context: Boards may consider family support, housing, and other community resources as part of an individual's release plan, yet housing and association rules imposed after release may undermine those same sources of stability.

Seen in this light, the safety objection is inverted. Public safety is not advanced by broad, categorical restrictions that destabilize housing and weaken prosocial relationships. It is strengthened by legal frameworks that require supervision and housing conditions to be individually justified, narrowly tailored, and periodically reassessed considering family integrity and neighborhood realities. Ensuring that housing and association rules reflect individualized analysis rather than administrative habit would align supervision practice with existing statutory standards and with a more accurate, community-centered understanding of safety.

CONCLUSION

Stories like George's and Edward's highlight how social support can anchor a person's re-entry, and how association bans strip away the very relationships that make successful reintegration possible. We call on scholars and practitioners to consider legal and policy reforms that put re-entrants' needs and concerns first. Above, we have explored four opportunities for reform and counterarguments. The question that animates this Feature is not simply how re-entry is administered, but whether the law will continue to treat family life as collateral damage of punishment or instead recognize that protecting family integrity is essential to both justice and public safety.

At stake is a fundamental choice: Will re-entry remain defined by exclusion, surveillance, and separation, or can it be reimagined as a legal and moral framework that restores families, repairs harm, and affirms the dignity of all those affected by incarceration? How the law answers this question will determine whether re-entry remains a continuation of punishment or becomes a site of restoration. Recognizing family integrity as a legal and moral baseline shifts the focus from managing risk to rebuilding trust, from enforcing separation to enabling stability. A justice system that protects families does not weaken accountability—it

strengthens the social conditions that make lasting safety possible. Housing and supervision policies that govern re-entrants are not incidental spillovers from the criminal process; they are affirmative mechanisms of state exclusion. By embedding carceral logics into lease provisions, occupancy standards, and association conditions, the state extends punishment into the most intimate spaces of kinship and home.[194]

These rules are not merely administrative constraints; they are decisions about whose families are allowed to remain intact and whose must be fractured.[195] Permitting separation without individualized justification raises serious concerns, as it deprives people of their right to family integrity without fair procedures or a meaningful opportunity to be heard. These restrictions often fall hardest on Black and Latino families in public housing and supervision systems, reinforcing patterns of inequality that the Constitution promises to guard against. To recognize these dynamics is to see that the stakes are not only legal, but also moral and structural. When family unity is subordinated to administrative efficiency or speculative safety concerns, law ceases to safeguard fundamental relationships and instead becomes an instrument of their destruction.

State intrusion into family life demands far more careful justification. At a minimum, restrictions on residence and association should be imposed only when there is a current and individualized showing that such limits are truly necessary. Any restrictions must be narrowly tailored to address the specific circumstances at hand and must remain subject to meaningful review to ensure they do not become arbitrary or excessive.

194. See, for example, *Moore v. City of East Cleveland*, 431 U.S. 494 (1977), where the Supreme Court struck down a city zoning ordinance that limited who could live together as a "family" by holding that the ordinance unconstitutionally interfered with the fundamental right of extended family members to live together. *Id.* at 499-506.

195. *See generally* DOROTHY E. ROBERTS, KILLING THE BLACK BODY: RACE, REPRODUCTION, AND THE MEANING OF LIBERTY (1997) (discussing systematic control of Black women's reproductive freedom in the United States and naming it as a key component of racial oppression); MICHELLE ALEXANDER, THE NEW JIM CROW: MASS INCARCERATION IN THE AGE OF COLORBLINDNESS (2010) (arguing that mass incarceration forms the basis of a contemporary racial caste system).

What is required is a coordinated, family-centered re-entry regime grounded in dignity,[196] rights,[197] and justice.[198] Public housing authorities, supervision agencies, and courts must align their practices around the presumption of family unity. Procedural safeguards must ensure that exclusion is the rare exception, not the norm. Investment in community-based housing and support programs should treat reunification not as a private risk but as a public good. Finally, courts should be willing to scrutinize exclusionary practices that masquerade as neutral administration but in effect operate as family-separation mandates.

To rebuild re-entry around family preservation is to acknowledge that the home is not merely a site of surveillance, but a locus of belonging, stability, and repair.[199] The baseline for any re-entry system should be that a returning person can, in fact, go home and stay there with their family. Anything less is not rehabilitation; it is punishment by another name.

---

196. *See* Trop v. Dulles, 356 U.S. 86, 100 (1958) (plurality opinion) ("The basic concept underlying the Eighth Amendment is nothing less than the dignity of man."); MARTHA C. NUSSBAUM, FRONTIERS OF JUSTICE: DISABILITY, NATIONALITY, SPECIES MEMBERSHIP 70-75 (2006) (arguing that human dignity provides the moral foundation for equality and rights). In our view, the principle of dignity recognizes that all individuals—regardless of conviction status—retain inherent worth that the state must respect in its exercise of punishment and re-entry policy.

197. *See Moore*, 431 U.S. at 503-04 (plurality opinion) (affirming that "the Constitution protects the sanctity of the family precisely because the institution of the family is deeply rooted in this Nation's history and tradition"). In this context, rights refer to the constitutional and moral protections—such as due process, equal protection, and family integrity—that limit state intrusion on private life and human relationships.

198. *See* Bearden v. Georgia, 461 U.S. 660, 671-73 (1983) (holding that imprisoning a person solely for poverty violates the "fundamental fairness required by the Fourteenth Amendment"); AMARTYA SEN, THE IDEA OF JUSTICE 20-23 (2009) (discussing a perspective on justice that seeks to remove remediable forms of inequality and deprivation). Here, justice means more than compliance with law—it demands equitable structures that repair harm, promote reintegration, and treat safety and fairness as interdependent values.

199. *See generally* JEREMY TRAVIS, BUT THEY ALL COME BACK: FACING THE CHALLENGES OF PRISONER REENTRY (2005) (providing an overview of challenges formerly incarcerated people have historically faced when returning to the community); REUBEN JONATHAN MILLER, HALFWAY HOME: RACE, PUNISHMENT, AND THE AFTERLIFE OF MASS INCARCERATION (2021) (discussing how race and punishment intersect and shape the lives of formerly incarcerated people and their loved ones).