



**OHIO
JUSTICE
& POLICY
CENTER**

215 EAST 9TH STREET
SUITE 601
CINCINNATI, OHIO 45202
(T) 513-421-1108
(F) 513-562-3200
contact@ohiojpc.org
www.ohiojpc.org

To: Ohio Senate Community Revitalization Committee
From: Ashley Ward, Esq., Ohio Access to Justice Foundation Justice for All Fellow, Ohio Justice & Policy Center
Date: December 6, 2023
Re: Proponent Testimony for Am. H.B. 50

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Good afternoon, Chairman Johnson, Ranking Member Sykes, and members of the Senate Community Revitalization Committee. My name is Ashley Ward, and I am an Ohio Access to Justice Foundation Justice for All Fellow and an attorney with the Ohio Justice & Policy Center (OJPC), a nonprofit law firm with the mission to promote fair, intelligent, and redemptive criminal justice systems. OJPC solely represents people impacted by the criminal legal system while they are incarcerated and after they reenter society. We strongly support Am. H.B. 50 to reduce recidivism and homelessness among Ohioans impacted by the criminal legal system, but we urge a few changes be made to the bill to reduce the waiting periods for eligibility to apply for CQHs.

BACKGROUND

Certificates of Qualification for Housing (CQHs) reduce recidivism. When people released from incarceration are unstably housed, homeless, or live in a high-crime neighborhood, they are more likely to recidivate.¹ In 2020, 20.8% of people previously incarcerated returned to prison for a new crime in the three years after their release.² CQHs also reduce the number of Ohioans with criminal records who experience homelessness. When people are incarcerated once, they are 7 times more likely to experience homelessness than the general population, but people who are incarcerated more than once experience homelessness at a rate 13 times higher.³ To secure housing, people require a stable income, but approximately 1 in 4 (1.3 million) OH jobs are not available to people with a conviction.⁴ Although public housing is an affordable housing option for people released from

¹ PATRICIA MCKERNAN, *Homelessness and Prisoner Reentry: Examining Barriers to Housing Stability and Evidence-based Strategies that Promote Improved Outcomes*, J. COMMUNITY CORR. 7 (2017), [https://voa-production.s3.amazonaws.com/uploads/pdf_file/file/2238/Homelessness and Prisoner Re-Entry.pdf](https://voa-production.s3.amazonaws.com/uploads/pdf_file/file/2238/Homelessness_and_Prisoner_Re-Entry.pdf).

² OHIO DEPT. OF REHAB. & CORR., *RECIDIVISM REPORT 1* (2021), <https://www.drc.ohio.gov/Portals/0/2021%20Final%20Report.pdf>.

³ Lucius Couloute, *Nowhere to Go: Homelessness among Formerly Incarcerated People*, PRISON POLICY INITIATIVE (2018), <https://www.prisonpolicy.org/reports/housing.html#revolvingdoor>.

⁴ MICHAEL SHIELDS & PAMELA THURSTON, *Wasted Assets: The Cost of Excluding Ohioans with a Record from Work*, at iv (2018), [https://ohiojpc.org/wp-content/uploads/2020/11/Wasted Assets 2018.pdf](https://ohiojpc.org/wp-content/uploads/2020/11/Wasted_Assets_2018.pdf).



incarceration, public housing providers exclude various people with criminal records, and public housing may not be available.⁵

MAXIMIZE THE EFFECTIVENESS

The current Am. H.B. 50 recognizes the need to reduce recidivism and homelessness but sets a waiting period to accomplish these two goals. We propose a few changes to maximize the effectiveness of H.B. 50.

1. First, to prevent recidivism and homelessness, the CQH policy should support **immediate housing stability upon release**, even while under post-release control.⁶ People under community control should be eligible for a CQH because they still need to obtain housing immediately after release from incarceration. In fact, more people are under supervision than released from custody; in June of 2021, 29,631 people were under the supervision of the Adult Parole Authority while in 2020, only 20,343 people were released from ODRC custody.⁷

2. Second, the bill should **eliminate the requirement to pay financial sanctions**, such as fines and restitution, before a person's waiting period to apply for a CQH. Ohioans cannot be expected to pay all their financial sanctions before they maintain safe, affordable housing and gainful employment. A CQH is a tool to encourage law-abiding behavior and to empower Ohioans with stable housing and employment to then pay off their court debt.

3. Third, as an alternative, H.B. 50 could permit the **issuance of a temporary CQH** when the applicant is released from confinement but still serving the remainder of their sentence (e.g. while the person is on community control, or owes outstanding financial sanctions). Then, the temporary CQH should become permanent after all sanctions are satisfied, unless the individual is convicted of a subsequent felony or misdemeanor offense of violence.⁸

4. Fourth, H.B. 50 currently requires a CQH application to include and the court to consider an applicant's "criminal history," except for sealed records under R.C. § 2953.32. For clarity, a **CQH application should only require the inclusion of an applicant's criminal convictions**, explicitly excluding non-convictions and sealed or expunged convictions.

⁵ TERRY-ANN CRAIGIE, ET AL., CONVICTION, IMPRISONMENT, AND LOST EARNINGS: HOW INVOLVEMENT WITH THE CRIMINAL JUSTICE SYSTEM DEEPENS INEQUALITY 22 (2020), <https://www.brennancenter.org/our-work/research-reports/conviction-imprisonment-and-lost-earnings-how-involvement-criminal>.

⁶ MARGARET LOVE & DAVID SCHLUSSEL COLLATERAL CONSEQUENCES RESOURCE CENTER, *Reducing Barriers to Reintegration: Fair Chance and Expungement Reforms in 2018*, at <http://ccresourcecenter.org/wp-content/uploads/2019/01/Fair-chance-and-expungement-reforms-in-2018-CCRC-Jan-2019.pdf>.

⁷ DEP'T OF REHABILITATION & CORRECTION, 2021 ANNUAL REPORT (2022), at 19, 38, <https://drc.ohio.gov/Portals/0/ODRC%20Annual%20Report%202021.pdf>.

⁸ *N.Y. Correct. Law § 702 (Consol. 2022)*; see MARGARET COLGATE LOVE, COLLATERAL CONSEQUENCES RESOURCE CENTER, *The Many Roads from Reentry to Reintegration: A National Survey of Laws Restoring Rights and Opportunities after Arrest or Conviction* 73 (2022), <https://ccresourcecenter.org/wp-content/uploads/2022/03/MRFTR 3.21.22.pdf>.



ONE STEP FORWARD

5. Establishing a process for CQHs will not remove all housing barriers for Ohioans impacted by the criminal legal system, but it is a **necessary first step forward in reducing recidivism and homelessness among Ohioans with criminal records**. Even with a CQH, a housing provider maintains the discretion to deny housing based on eviction history, bias, and other factors. Additional steps forward to complement this legislation include providing a right to counsel at eviction proceedings, expunging eviction records, prohibiting housing providers from considering criminal records until after making a conditional offer, and adding criminal history as a protected class under fair housing laws.

CONCLUSION

H.B. 50 is a necessary step forward to remove housing barriers for Ohioans impacted by the criminal legal system. This bill allows for recidivism and homelessness to be reduced among Ohioans with criminal records. This bill also allows for the law to address a growing need for safe, affordable housing. We urge the bill sponsors and Committee to adopt an amended H.B. 50 to minimize the waiting periods to apply for a CQH.

Ashley Ward, Esq.
Ohio Access to Justice Foundation Justice for All Fellow
OHIO JUSTICE & POLICY CENTER
215 East Ninth Street, Suite 601
Cincinnati, Ohio 45202
513-421-1108 x92
award@ohiojpc.org