

Mount Holyoke College

**Punishment Beyond Prison: Denying Housing to Formerly
Incarcerated People in Greater Boston**

by

Daiana Griffith

Class of 2019

Thesis Advisor: Preston Smith II

Abstract

Every year over 600,000 people are released from incarceration in the United States. Upon their return to the free world, a big portion of this population faces housing insecurity or outright homelessness. Although research shows that access to stable housing reduces recidivism, federal and state regulations deny access to public or subsidized housing to most formerly incarcerated people and fuel discriminatory practices against them in the private housing market. In Greater Boston, where affordable housing is increasingly hard to find, people with criminal histories are particularly susceptible to housing instability. This thesis therefore addresses the little-discussed housing crisis that virtually anyone who has contact with the court system faces in an expensive metropolitan area like Greater Boston.

Seeking to better understand housing instability among formerly incarcerated people, my main research question is: how do housing policies in the state of Massachusetts and at the federal level influence the housing experiences of people with a criminal record? To answer this question, I conducted in-depth qualitative interviews with 15 formerly incarcerated people in the Greater Boston area over the summer. I also analyzed a number of secondary sources on federal and Massachusetts state policies regulating access to housing for people with a criminal history.

At the core of my research analysis is the retrenchment of the welfare state, and the consequent expansion of the penal state in response to rising social and economic insecurity under a neoliberal regime. Borrowing from Loic Wacquant's work, I argue that the extension of penal institutions through housing policies that discriminate against people with a criminal record is a way for the state to reaffirm its power in demarking a clear border between the "deserving" and the "undeserving" poor. Within this punitive state, then, people in the dispossessed categories are seen as deserving of *social death for moral failing* to uphold neoliberal values of personal responsibility, self-sufficiency, competition, and adaptability to economic deregulation and privatization. Employing this theoretical framework, I examine how the lived experiences of formerly incarcerated related to housing fit within the parameters of the three aspects of social death proposed by Joshua M. Price: natal alienation, humiliation, and structural violence.

Table of Contents

Introduction	4
1 Literature Review	19
2 Federal and State Policies	38
3 Analysis of Interviews	53
Conclusion	73
Bibliography	80
Appendix: Demographics of Interviewees	83

Introduction

The Beverly Depot commuter rail station works as a thin veil between two different worlds. On one side of the rails sit two-bedroom luxury rental apartments that cost as much as \$3,000 a month; on the other side, a homeless shelter that houses 39 men—some of them with a criminal record. This sharp contrast represents a part of the housing crisis that many formerly incarcerated people in Greater Boston face. Barred from accessing most public and subsidized housing and unable to afford high-priced market rate housing, most of them end up homeless. At the River House, a homeless shelter in Beverly, Massachusetts, most of my interviewees signed up for an interview slot on the weekend since most of them work full-time; some of them work part-time or full-time even on the weekends. On an early Saturday morning, I am scheduled to interview Radley, a 43-year-old white man.¹

A staff member who is covering the morning shift at that time allows us to use the main office space for the interview. In this small cramped office space, I sit at one end of a table tucked in a corner as Radley sits across from me. I give Radley a short introduction about the study and ask him to start telling me about himself—where he grew up, his incarceration, and his reentry emphasizing his housing situation prior- and post-incarceration. He tells me he grew up in a poor neighborhood in Lynn, Massachusetts in a low-income rental while his mom worked three jobs to be able to provide for him and his siblings. Most of his childhood and adolescence had been marked by gang and street violence. When his mother moved to Saugus, a town neighboring Lynn, he decided to run away from home at the age of 15 to go back to his friends in Lynn. Later on, he came to an agreement with his mom: she would allow him to stay at his

¹ The real names of interviewees and staff members were replaced by pseudonyms in order to protect their confidentiality.

friends' houses for as long as he stayed in school and kept in touch with her. He managed to keep in touch with his mom but not to stay in school.

Radley's first offense that would keep him in jail for 18 months was related to a stolen car in Malden, Massachusetts. After this, he decided to abscond (also known as being "on the run") to California hoping to evade the seven years of probation he was sentenced to. In California, he got arrested and put in jail followed by probation multiple times. While on probation in California dealing with drug addiction and unable to come back to Massachusetts, he was homeless most of the time. He found himself trapped in an endless cycle of recidivism as he tried to comply with his probation rules only to fail again. Eventually he would choose to willingly go to prison for another 18 months for a premeditated felony of drug possession in order to get rid of his extensive probation time by getting only two years of parole.² The latter would become a preferable choice even when he was back in Massachusetts: he favored prison time over supervised probation, and over being homeless and not having anywhere to sleep or eat. Put in his own words:

I'm okay with doing prison time which is sad. I'm okay. I can do that—that's not an issue with me, that's not a challenge to me. This is a challenge—being on the streets is a challenge. It's hard. Inside it's easy: you get food, you get a place to sleep, you get companionship, not with a woman but, you know—not sexual. I mean, it's easy, it's all there as long as you are not afraid, and you know how to fight, it's there. It's good. It's okay. It's fine. So, it's hard here where you can- get out of jail, hit the streets and you're just like, "Where do I go? What do I do? What am I going to eat? Whom am I going to talk to? Do I know these people?"

At the time of the interview, he was working full-time in the construction trade making around \$200 a day and yet living at a homeless shelter in Beverly. Even though he could afford some place to live, his criminal record plus other factors, such as a bad credit history, reduce his

² According to Radley, he was able to find a loophole in Californian law that states that parole time takes precedence over probation time, thus being able to annul any remaining probation time as long as he completed his parole successfully.

chances of getting housing. He acknowledged that “housing is going to be tough” to find because of his violent offense record, as well as his substance abuse history. His incarceration record already prevents him from taking care of his dying mother with cancer because she is on Section 8 in New Hampshire. As per federal regulations, public housing authorities can deny applicants who have “a history of criminal activity involving crimes of physical violence to persons or property and other criminal acts which would adversely affect the health, safety or welfare of other tenants.”³ Therefore Radley cannot be accepted as an added tenant to his mom’s lease.

Radley’s background story and housing situation is representative of the sample of 14 formerly incarcerated people I interviewed in Greater Boston. For the most part, they had some high school education but not the type of higher education that would allow them to get a well-paid job to be able to afford the high cost of living in Greater Boston. Almost all of them came from a working-class background. The few who came from a comfortable middle-class background had substance abuse and/or domestic violence problems at home when growing up. After their incarceration, they had no family to turn to for shelter, even if just temporarily. Now with a criminal conviction on their record, they are unable to find safe and affordable housing because of punitive federal and state policies that enable the discretion of public housing authorities and exclusionary practices from private landlords. For those who are on the Sex Offender Registry, their housing choices are even more limited as they deal with a lifetime ban from public and subsidized housing, zoning laws against people convicted of a sex offense, and the overall stigma that comes with being on the registry.

Through this thesis, I seek to make sense of the lived experiences of people with a criminal conviction in an age of rising social and economic insecurity by using Greater Boston as

³ 24 CFR 960.203.

a case study. To do so, I will employ an interdisciplinary approach that encompasses the disciplines of anthropology, sociology, and political science to determine how the carceral state shapes the housing experiences of formerly incarcerated people in Greater Boston. My main research question is: how do housing policies in the state of Massachusetts and at the federal level influence the housing experiences of people with a criminal record? To answer this question, I interviewed people with a criminal record who have experienced looking for housing in Greater Boston.

Methodology

For the empirical part of my research, I interviewed 15 people with a criminal record who experienced looking for housing in the Greater Boston area.⁴ All except one person were interviewed in person. The person interviewed over the phone failed to return his informed consent form through mail and hence cannot be included in this analysis. The rest who were interviewed in person were interviewed at the Library Conference Room in the Massachusetts State House or in an office space at either the St. Francis House in Boston or the River House in Beverly with the exception of one person, who was interviewed at her place of work for convenience. As the majority of these people work full-time or part-time, I tried to be accommodating with my schedule and meeting place. For those who had to take transportation to get to our meeting place, I offered a small stipend to cover transportation costs. I also offered a \$10 gift card in appreciation for the participants' time.

⁴ It is important to note that my sample population is very small compared to other studies because of time restrictions (I only had 4 months to recruit participants) and lack of economic resources to properly compensate all participants for their time. However, this study is concerned with the qualitative aspect of housing insecurity among formerly incarcerated people, for which a sample of this size is appropriate.

In order to recruit participants, I utilized a snow-ball sampling method. This involved reaching out to acquaintances who are community activists that advocate for the rights of currently and formerly incarcerated people, and to organizations that work with homeless or justice-involved populations. Over the summer when I conducted my interviews, it was difficult to get a hold of people, such as employees in certain organizations, since most of them were out on vacation. It would take countless emails and calls to be able to get in touch with someone who could direct me to the right person to help me reach out to prospective interviewees.

At least two people I interviewed got in touch with me by responding to my individual emails extending them an invitation to be interviewed; one person was referred to me through an organization that he volunteers at; and the remainder 11 people were recruited through flyers or by meeting in person at a community space. In the case of the St. Francis House, the program manager of permanent supportive housing programs proposed that we hosted a pizza party in one of their community spaces so that I could meet the residents and tell them about my research—I recruited most of my participants at the St. Francis House the afternoon we held the community meeting. At first, most of the guests seemed suspicious of my intentions with this research; most of them asked me questions such as, “why are you *really* doing this?” or “is this for your own benefit?” to which I answered that the goal of my research was to better understand the housing situation of people with a CORI (Criminal Offender Record Information) so that hopefully we can push for policy changes at the state level. I said this with a taint of guilt feeling like I was lying to them. After interning at the Massachusetts Coalition for the Homeless as their Policy Advocacy intern that summer, I knew how hard it was to bring about structural change through policy changes. But at the same time, I said this with conviction, because I truly believe that having their experiences acknowledged first through research can ignite political will to demand

structural change. After my answer, they were more open to tell me their stories about how they ended up at St. Francis House as part of their permanent supportive housing. Some of them were happy to stay at St. Francis—others were ready to move out because they viewed St. Francis as only a stepping stone to true independent living. Four of my interviewees were currently living at St. Francis, and two other interviewees had at some point lived at this place.

At the River House, the Program Director allowed me to put up flyers and a sign-up sheet with interview time slots, so that guests interested in participating in the research could sign up. I recruited seven of my participants through this method. At this place, I interviewed people mostly on the weekend as most of the guests had full-time jobs over the weekdays. Only one of my interviewees did not currently live or lived at some point at either St. Francis or the River House but had instead stayed a shelter for battered women.

Theoretical Summary

At the core of my analysis is the retrenchment of the welfare state, and the consequent expansion of the penal state in response to the rise of social and economic insecurity under a neoliberal government. Borrowing from Loic Wacquant's work, I argue that the extension of penal institutions through housing policies that discriminate against people with a criminal record is a way for the state to reaffirm its power in demarking a clear border between the “deserving” and the “undeserving” poor.⁵ Within this framework, workfare⁶ and prisonfare⁷ are

⁵ Loic Wacquant, *Punishing the Poor: The Neoliberal Government of Social Insecurity* (Durham and London: Duke University press, 2009), xvii.

⁶ Workfare refers to a group of the dispossessed who are deemed salvageable and thus receive public aid, which requires them to work any kind of job in order to remain eligible for aid. Loic Wacquant, *Punishing the Poor: The Neoliberal Government of Social Insecurity* (Durham and London: Duke University press, 2009), 292.

⁷ Prisonfare refers to groups of the dispossessed categories who are deemed irrecoverable and are thus disciplined by the penal wing of the state. Loic Wacquant, *Punishing the Poor: The Neoliberal Government of Social Insecurity* (Durham and London: Duke University press, 2009), 300.

married to regulate the dispossessed categories, such as the working class, the homeless, drug addicts, and members of racial and ethnic minorities.⁸

Additionally, the carceral roll-out is a reaction to the demise of the ghetto as a tool of ethno-racial control in the 1960s as it proved unable to subdue African American protests, Black Power activism, and urban riots.⁹ Hence, the penal wing of the state has a double target as it seeks to regulate primarily both the working class that fails to adapt to the new conditions of socio-economic insecurity and the disruptive “dark-skinned figure in the streets.”¹⁰ In this context, others in the castaway categories—unemployed, homeless, addicted, people convicted of sexual offenses, etc.—come to be seen as the representation of social insecurity and general social decline for which they merit discipline.¹¹ Within this punitive state, then, people in the dispossessed categories are seen as deserving of *social death for moral failing* to uphold neoliberal values of personal responsibility, self-sufficiency, competition, and adaptability to economic deregulation and privatization.¹²

Using the abovementioned theoretical framework, I will be interpreting how the housing experiences of formerly incarcerated people in Greater Boston contributes to their status of socially dead in the eyes of the government and society at large. To do so, I will focus on three conditions of social death proposed by Joshua M. Price: natal alienation, humiliation, and structural violence.¹³ My analysis will address how policies and practices that lead to the lack of

⁸ Loïc Wacquant, “Crafting the Neoliberal State: Workfare, Prisonfare and Social Insecurity,” *Sociological Forum* 25, no. 2 (2010), 200.

⁹ Loïc Wacquant, “Class, Race & Hyperincarceration in Revanchist America,” *Daedalus* 139, no. 3 (2010), 74–90.

¹⁰ Wacquant, *Punishing the Poor: The Neoliberal Government of Social Insecurity*, 3-4.

¹¹ Some of these categories are also the direct results of the dislocation of socio-economic security and welfare provision.

¹² Wacquant, *Punishing the Poor: The Neoliberal Government of Social Insecurity*, 15.

¹³ Joshua M. Price, *Prison and Social Death* (New Brunswick, New Jersey, and London: Rutgers University Press, 2015).

decent housing post-incarceration contribute to the exacerbation of these three conditions of social death. But before delving into the main analytical parts of this thesis, I will first discuss socioeconomic aspects of Greater Boston and Massachusetts that the reader can use as a backdrop as they read through this work.

Research Context

This study focuses on the Greater Boston area, which comprises the Boston-Cambridge-Newton, MA-NH Metropolitan Statistical Area (part).¹⁴ According to the 2012-2016 American Community Survey, this metropolitan area has a total population of approximately 4.3 million people which makes it one of the most populated areas in Massachusetts. Within the total population, 75.57% are white alone; 8.67% are Black or African American alone; 11.03% are Hispanic or Latinx; and 7.85% are Asian alone.

Greater Boston has experienced an increase in population since 2010. This increase is chiefly due to international in-migration which results from the large number of colleges and universities in the area that attract international students. After the economic conditions in Greater Boston steadily improved since the recession in 2008, the large number of both domestic and international students that left Boston post-graduation were instead able to stay as they found jobs locally.¹⁵ As a result, this metropolitan area has a mainly highly educated and skilled labor force that is primarily employed by the education and the health services sectors that also

¹⁴ As defined by the U.S. Office of Management and Budget (2018), the Boston-Cambridge-Newton MA-NH MSA (part) includes only counties that are part of Massachusetts and excludes the Rockingham and Strafford Counties from New Hampshire. Hence, this area consists of the Essex, Middlesex, Norfolk, Plymouth, and Suffolk Counties in Massachusetts.

¹⁵ "Comprehensive Housing Market Analysis of Boston, Massachusetts" (Washington, D.C.: U.S. Department of Housing and Urban Development, 2016), 6-7.

generate scientific research jobs.¹⁶ However, Greater Boston's booming economy does not benefit everyone equally. Within Boston, black males have the lowest economic mobility due to incarceration and racial bias. In fact, Boston is among the ten cities in the nation with the highest income inequality.¹⁷ All of this translates to a postindustrial knowledge-based economy that gives way to the exclusion of already marginalized communities such as communities of color, low-income, and working-class people that often do not have access to higher education. But as I will show in the following sections, even people with a middle-class background are struggling to stay afloat in an ever-tighter housing market.

Overview of Housing in Greater Boston

Following national trends, Greater Boston metropolitan area's housing market has become increasingly unaffordable for middle-income working people and below. As a matter of fact, Massachusetts as a state is known for being among the most expensive states to live at in the nation for both home-owners and especially renters.¹⁸ For the purpose of this research, I will be focusing mainly on the rental market because all of my interviewees are either renters or can only hope to rent in the future. I will, however, address certain facts about the homeownership market as it has direct consequences for the rental market and is also an important element of the housing crisis in Greater Boston.

There are multiple factors that contribute to the rising homeowner and rental housing prices in Greater Boston. One of the main factors is the lack of housing supply which has not kept up with the increasing demand as population grows. Just between 1990 and 2000, the

¹⁶ "Comprehensive Housing Market Analysis of Boston, Massachusetts," 2-3.

¹⁷ Luc Schuster and Peter Ciurczak, "Boston's Booming...But for Whom? Building Shared Prosperity in a Time of Growth" (Boston, Massachusetts: Boston Indicators, 2018), 13-17.

¹⁸ "Out of Reach: The High Cost of Housing" (Washington, D.C.: National Low Income Housing Coalition, 2018), Report, 1.

number of households in Massachusetts increased by 8.7 percent while the number of housing units only increased by six percent, thus creating a gap between demand and supply that has been expanding ever since.¹⁹ This phenomenon has been more acute in Eastern Massachusetts, where Greater Boston is located. The amount of developable land in the Boston Metro area is minimal as this eastern part of the Commonwealth is becoming completely built-out. At first, between 1971 and 1985, newly constructed single-family detached or attached housing units occupied almost half an acre of land per 2.2 units, while multi-family housing occupied only about 0.12 acres per unit. From 1985 to 2000, however, there was a shift as more land was being used to build less single-family housing and more multi-family housing that took up about an acre of land.²⁰ It could be argued that an increase of multi-family housing construction was a positive shift as it provided more rental opportunities and it proved to be a smarter use of the scarce developable land. However, in the early 2000s the expanding popularity of condominiums in Massachusetts as an alternative to single-family housing homeownership would lead to the transformation of rental multi-family housing into condominiums, which further decreased the supply of rental housing.²¹

Another contributing factor to housing unaffordability is stagnant wages, which is a trend nationwide. Between 1973 and 2013, hourly compensation of a typical worker increased only by 9 percent while productivity increased by 74 percent.²² The negative effects of stagnant wages is best showcased by the fact that in no state, metropolitan area, or county in the nation a worker earning either the federal minimum wage or state minimum wage can afford a two-bedroom

¹⁹ Goodman, "Winners and Losers in the Massachusetts Housing Market: Recent Changes in Housing Demand, Supply, and Affordability," 3.

²⁰ Goodman, 20.

²¹ *Ibid.*, 13.

²² Lawrence Mishel, Elise Gould, and Josh Bivens, "Wage Stagnation in Nine Charts" (Washington, D.C.: Economic Policy Institute, 2015), 4.

rental at fair market rent (FMR) by working 40 hours a week.²³ Specifically in the Greater Boston area, one has to be able to make \$33.46 an hour or have three full-time jobs at minimum wage (which amounts to an annual income of \$69,600) to be able to afford a two-bedroom rental at FMR. Thus, in Massachusetts it is necessary to have at least a bachelor's degree to have the income necessary to afford a two-bedroom rental.²⁴ In the case of my interviewees, the majority has an educational attainment lower than a bachelor's degree, which means their chances of earning a high salary are very slim.

Even though there are new units under construction, the number of units being constructed is not enough to satisfy the demand for housing.²⁵ Plus, the new units tend to be unaffordable high-end apartment buildings. In fact, 92% of the new apartment buildings completed in 2017 in Boston were high-end rentals.²⁶ This overview of the housing landscape in Greater Boston gives us an idea of how inaccessible housing can be not only for people with a criminal conviction, but also for the working-class and increasingly the middle-class.²⁷

Overview of Incarceration and Release Trends in Massachusetts

Currently, the U.S. has 2.3 million people behind bars which makes it the country with the highest incarceration rate in the world. Every year, approximately 626,000 people are released from prison to often be faced with the reality of having nowhere to go.²⁸ Where does

²³ "Out of Reach: The High Cost of Housing," 1.

²⁴ Jemery Thompson, "Education and State Economic Strength: A Snapshot of Current Data," MassBudget, 2017, http://massbudget.org/report_window.php?loc=Education-and-State-Economic-Strenth-A-Snapshot-of-Current-Data.html.

²⁵ "Comprehensive Housing Market Analysis of Boston, Massachusetts," 2.

²⁶ Nadia Balint, "High-End Apartments Are 87% of Rentals Built in 2018," Rent Cafe Blog, 2018, <https://www.rentcafe.com/blog/rental-market/luxury-apartments/8-out-of-10-new-apartment-buildings-were-high-end-in-2017-trend-carries-on-into-2018/>.

²⁷ It is important to note that the population of working-class people and people with a criminal record overlap significantly.

²⁸ Peter Wagner and Wendy Sawyer, "Mass Incarceration: The Whole Pie 2018" Prison Policy Initiative, 2018, <https://www.prisonpolicy.org/reports/pie2018.html>.

Massachusetts fit into this national picture? Massachusetts is actually the state with the lowest incarceration rate in the nation. Nonetheless, the state's incarceration rate continues to be higher than that of most countries in the world.²⁹ In addition, the demographics of the prison population in Massachusetts show that the targeting of working-class people and people of color by the carceral apparatus continues to be reproduced even in a seemingly progressive state. Most importantly for the topic of this thesis, formerly incarcerated people are subjected to the same constraints in accessing housing as in the rest of the country.

The total number of people imprisoned under the jurisdiction of the Massachusetts Department of Correction was 11,034 in 2014. Even though Black and Latinx people combined are only about 20% of the total population, a considerable minority compared to white people in the state, they compose around 53% of the total imprisoned population.³⁰ Between 2007 and 2013, 3,636 incarcerated were released every year on average.³¹ The highest number of released people from state prisons return to the Suffolk County clustering in a few neighborhoods of Boston, where the levels of unemployment and poverty tend to be high.³² The neighborhood with the highest share of commitments and detentions in Boston is Dorchester.³³ In this neighborhood, 43.5% of the population is Black and 16.9% is Hispanic or Latinx; the median

²⁹ Peter Wagner and Wendy Sawyer, "States of Incarceration: The Global Context 2018," Prison Policy Initiative, 2018, <https://www.prisonpolicy.org/global/2018.html>.

³⁰ "Massachusetts Department of Correction: Prison Population Trends 2013" (Massachusetts, Boston: Massachusetts Department of Correction, 2014).

³¹ Own calculation based on the Massachusetts Department of Correction's Population Trends Report from 2014

³² Lisa E Brooks et al., "Prisoner Reentry in Massachusetts" (Washington, D.C.: Urban Institute, 2005).

³³ Benjamin Forman, Laura van der Lugt, and Ben Goldber, "The Geography of Incarceration: The Cost and Consequences of High Incarceration Rates in Vulnerable City Neighborhoods" (Boston, Massachusetts: Boston Indicators Project; MassINC; Massachusetts Criminal Justice Reform Coalition, 2016), <http://massinc.org/wp-content/uploads/2016/11/The-Geography-of-Incarceration.pdf>.

household income in this neighborhood is \$44,136, which is relatively low when compared with median household income in Massachusetts which is \$70,954.³⁴

The majority of the prison population is released under probation supervision, with some being released under both parole and probation supervision.³⁵ Of those released, almost half of them recidivate primarily due to technical violations of their supervision terms.³⁶ Very tellingly, in one of the neighborhoods of Boston that has a high incarceration rate the majority of imprisoned men had the address of the Pine Street Inn homeless shelter as their address for residency upon their admission to the House of Corrections.³⁷ This indicates that there is a considerable number of people, at least in the Boston area, who were homeless *before* their incarceration and, who upon their release, return to homelessness.

The End of the Welfare State as We Know It

The big policy changes that would come to shape the housing and other forms of social assistance options for millions of formerly incarcerated people happened primarily between the 1990s and the early 2000s. Perhaps the most drastic change in the American welfare system happened on August 22, 1996 with the signing of the Personal Responsibility and Work Opportunity Reconciliation Act into law, which ended the individual entitlement to welfare by replacing it with a block grant to states called Temporary Assistance to Needy Families (TANF). This act also imposed a five-year lifetime limit on benefits and required recipients to work in order to receive benefits. Most importantly, this law imposed a lifetime ban on eligibility for TANF assistance and food stamps for people who had drug felony convictions; however, states

³⁴ "American Community Survey, 2007-2011: Dorchester, Neighborhood*" (Boston: Boston Redevelopment Authority, 2013).

³⁵ "Massachusetts Department of Correction: Prison Population Trends 2013," 37.

³⁶ *Ibid.*, 47-48.

³⁷ Forman, van der Lugt, and Goldber, "The Geography of Incarceration," 7.

were given the option to “opt out” of the ban completely or narrow it considerably.³⁸ In the case of Massachusetts, having a criminal record, including a drug felony, does not bar people from receiving SNAP. However, people who are considered to be “actively fleeing” prosecution or punishment for a felony or in violation of their parole or probation are not eligible for SNAP benefits.³⁹

More specifically in terms of housing, the Housing Opportunity Program Extension Act in 1996 and the Quality Housing and Work Responsibility Act of 1998 gave more power to public housing authorities (PHA) to exclude people from public housing based on drug-related offenses as well as households with a member that is abusing alcohol. These laws also gave PHAs more discretion to discriminate on the base of any kind of criminal activity because of the way these laws were stated. According to these acts, PHAs are authorized to consider “any type of criminal activity that can adversely affect the health, safety, or right to peaceful enjoyment of other tenants in the premises of the public housing” as a basis to deny housing.⁴⁰

Chapter Outline

In Chapter One, I review the literature on housing access for formerly incarcerated, focusing on the overarching themes and most common findings that emerged from different studies. Furthermore, I explore the theoretical frameworks that explain the emergence of mass incarceration in the U.S. In this section, I analyze why the two mainstream theories about the rise of mass incarceration prove to be inadequate as an analytical framework for this thesis. Next, I propose an alternative analytical framework based on Loic Wacquant’s work that addresses the

³⁸ Marc Mauer and Meda Chesney-Lind, eds., *Invisible Punishment: The Collateral Consequences of Mass Imprisonment* (New York: The New York Press, n.d.), 41.

³⁹ Patricia Baker and Victoria Negus, “What If I Have a Criminal Record or DTA Says I Am a ‘Fleeing Felon’?,” Mass Legal Help, 2018, <https://www.masslegalhelp.org/income-benefits/food-stamps/advocacy-guide/part2/q46-criminal-record-or-fleeing-felon>.

⁴⁰ Mauer and Chesney-Lind, *Invisible Punishment: The Collateral Consequences of Mass Imprisonment*, 45-46.

restructuring of the neoliberal state through penal expansion as a response to welfare retrenchment. Lastly, in this chapter I also briefly discuss my research methodology and the demographics of my interviewees.

In Chapter Two, I dissect how punitive federal welfare policies influenced state policies in Massachusetts resulting in the exclusion of people with criminal histories. In addition, I present a detailed overview of current housing policies in Massachusetts that address the use of criminal records. Considering more recent policy changes at the state level, I also discuss the implications of the latest criminal justice reform in Massachusetts signed into law in April 2018.

In Chapter Three, I present the analysis of the 14 interviews I conducted over the summer. In this analysis, the three main themes will be natal alienation, humiliation, and structural violence. There will also be some examination of the sense of personal responsibility in finding housing and how this way of thinking fits into the larger narrative of neoliberal insecurity.

1 Literature Review

Introduction

A thesis that seeks to analyze and explain the housing experiences of formerly incarcerated people must first discuss the origins of mass incarceration in the U.S. Expectedly, there have already been multiple scholars in different disciplines that have addressed this topic. Most of them connect the rise of the carceral state to the violent legacy of slavery, based on the fact that black people have disproportionately high rates of incarceration. Others connect it to the vast profit-making behind prisons that incentivizes the incarceration of a large number of people. But as it will be shown in this chapter, these theories prove to be in certain ways inadequate to offer a comprehensive analysis of the hypertrophied carceral growth. Race and profit-making are certainly elements that contributed to the increase of the U.S. confinement rates, but not necessarily the *main cause* that led to them. In this chapter, I will offer an analysis of the literature on the origins of mass incarceration by focusing on the two aforementioned mainstream theories and its weaknesses. Last, I will discuss an alternative framework proposed by Loic Wacquant, who suggests that the restructuring of the state into a punitive neoliberal state gave rise to mass incarceration. But before I delve into the theoretical literature on the origins of mass incarceration, I will first assess existing research concerning the correlation between homelessness/housing insecurity and incarceration to determine what research gaps I intend to bridge.

Over the last two decades, there has been a nascent interest in homelessness and housing instability among formerly incarcerated people in the U.S., as mass incarceration and its collateral consequences became visible issues. Among the first to study the interrelationship between shelter use and incarceration were Stephen Metraux and Dennis P. Culhane (2004); their

study looked at homelessness trends among 42,424 people who were released from New York state prisons and had used shelters run by the Department of Homeless Services in New York City (DHS in NYC) between 1995-1998.⁴¹ The results showed that formerly incarcerated people had high rates of shelter use (11.4% of participants stayed at a shelter after they were released) and reincarceration (32.8% were reincarcerated within two years from their release). These results indicated that shelter stays and repeat prison stays increased the likelihood of re-using these institutions.⁴² Within the studied population, black people and participants with mental health issues had a higher rate of shelter use and reincarceration; people who were 55 years old and older also had a high rate of shelter use, but were less likely to be reincarcerated because they were too debilitated to reoffend. This study also showed that those who were released unsupervised—which means they were not on probation or parole—had lower rates of shelter use and reincarceration, because they were not subjected to the constraints of parole or probation technical rules.⁴³

More recent studies, however, have criticized the narrow definition of homelessness employed in Metraux and Culhane’s study. In the abovementioned study, people are considered homeless only if they had used a homeless shelter run by the DHS in NYC, which fails to account for people who used shelters not regulated by the DHS and other forms of housing insecurity.⁴⁴ Hoping to bridge this gap in research, Claire W. Herbert, Jeffrey D. Morenoff, and David J. Harding (2015) used longitudinal and administrative data on Michigan parolees released

⁴¹ Stephen Metraux and Dennis P. Culhane, “Homeless Shelter Use and Reincarceration Following Prison Release,” *Criminology and Public Policy* 3, no. 2 (2004), 139

⁴² Metraux and Culhane, “Shelter Use and Reincarceration,” 146.

⁴³ *Ibid.*, 144-145.

⁴⁴ Claire W. Herbert, Jeffrey D. Morenoff, and David J. Harding, “Homelessness and Housing Insecurity Among Former Prisoners,” *Russell Sage Foundation Journal of the Social Sciences* 1, no. 2 (2015), 50.

in 2003 to analyze their experiences with both homelessness and housing instability, seeing both types of housing conditions as two points which are part of a spectrum of insecure housing.⁴⁵

In contrast to Metraux and Culhane's study findings, the results of Herbert, Morenoff, and Harding's research suggest that few of the parolees experienced outright homelessness or shelter use; however, they did exhibit a high rate of other forms of housing insecurity, such as numerous disruptions of residential episodes.⁴⁶ Tellingly, sanctions imposed by parole officers after a parole violation took place were identified as the major source of disruption in residential stability, which usually resulted in a residential move. In other words, punitive measures in response to parole violations result in the further destabilization of the parolee's life which, in turn, increases the likelihood of recidivating. This study also found that mental illness, drug and alcohol use, prior incarceration and prior homelessness are also predictors of housing insecurity.⁴⁷ However, despite Herbert, Morenoff, and Harding's broader definition of housing insecurity, their study also faces limitations as it only focuses on the experiences of parolees. Parolees represent only a small subpopulation of the wider population of formerly incarcerated people, which means that a study that focuses exclusively on parolees cannot assume any generalizability about the housing experiences of formerly incarcerated people as a whole.

In an analysis of social integration post-release, Western et al. explore "family support, unstable housing, employment, and receipt of public assistance."⁴⁸ In this study, they examine the experiences of 122 recently released prisoners in Massachusetts returning to neighborhoods in Boston.⁴⁹ In terms of housing, this study found that after the first week of coming out of

⁴⁵ Herbert, Morenoff, and Harding, "Homelessness and Housing Insecurity," 44-45.

⁴⁶ Ibid., 46.

⁴⁷ Ibid., 46.

⁴⁸ Bruce Western et al., "Stress and Hardship after Prison," *American Journal of Sociology* 120, no. 5 (2015), 1522.

⁴⁹ Western et al., 1537.

prison, 40% to 50% of participants stayed with family; 20% stayed with friends; and the remainder stayed in temporary housing such as shelters or sober houses.⁵⁰ Most of those who stayed with family, however, were eventually forced to move out; some had to move out because of Section 8 restrictions on the family residence or court orders requiring them to stay away from the neighborhood where their families lived.⁵¹ In sum, this study found that recently released people presented high rates of housing instability, especially among those who suffered from a mental illness or were older, which is consistent with the findings of past studies.⁵²

Another prominent scholar who has extensively researched reentry issues such as a post-release housing is Jeremy Travis, who in *But They All Come Back: Facing the Challenge of Prisoner Reentry* also established that there is an increasing overlap between the homeless and the justice-involved population.⁵³ In his book, Travis concluded that, based on past research, most incarcerated people tend to return to live with a relative, spouse, or partner in the month immediately after their release;⁵⁴ this, however, is a problem for recently released people whose families live in public or subsidized housing. According to federal regulations, public housing authorities may deny admission to “applicants whose habits and practices reasonably may be expected to have a detrimental effect on the residents or the project environment.”⁵⁵ As a result, these formerly incarcerated people whose families live in public housing are either not legally

⁵⁰ Western et al., 1525.

⁵¹ *Ibid.*, 1527.

⁵² *Ibid.*, 1526.

⁵³ Jeremy Travis, *But They All Come Back: Facing the Challenges of Prisoner Reentry* (Washington, D.C.: The Urban Institute Press, 2005), 237.

⁵⁴ Travis, 220.

⁵⁵ *Ibid.*, 229.

recognized as tenants in the household and put their families at risk of eviction, or are simply not welcome back home thus usually becoming homeless.⁵⁶

In terms of the private housing market, not surprisingly, returning prisoners have a difficult time accessing this type of housing because they lack the financial resources necessary and are subjected to landlords' exclusionary practices. The lack of affordable units, especially in urban areas such as Boston, intensifies the problem of accessible housing for returning prisoners.⁵⁷ Travis also emphasized that people convicted of a sex offense have a particular difficult time finding housing because of registration and community notification laws that lead communities to ostracize them.⁵⁸ Furthermore, people convicted of sex offenses are explicitly barred from public housing.⁵⁹ In short, Travis explores how federal policies and discretionary practices from both public housing authorities and private landlords affect the housing stability of formerly incarcerated people.

While all the studies mentioned above shed a light on the challenges of reentry, they say little about the historical and political circumstances that have led to the emergence of policies that create reentry challenges, such as formerly incarcerated people's lack of stable housing. In addition, as discussed above, these studies present some weaknesses, such as narrow definitions of housing insecurity, or the selection of a sample population that is not representative of the wide formerly incarcerated population. Therefore, with this thesis, I hope to not only confirm or dispute the findings of previous academic work, but also to bridge research gaps by historically and politically contextualizing the rise of mass incarceration, while also drawing connections

⁵⁶ Travis, 230.

⁵⁷ *Ibid.*, 222-223.

⁵⁸ *Ibid.*, 225-227.

⁵⁹ *Ibid.*, 224.

between the origins of the prison state and the denial of housing to formerly incarcerated using Greater Boston as a case study.

In this thesis, I will employ a holistic approach that considers the different housing conditions that formerly incarcerated face, ranging from homelessness to other forms of housing insecurity. My research will also focus on the experiences of formerly incarcerated people who had different types of convictions, sentence length, and release statuses; in this way, my focus on a wide range of offenses and post-release statuses will allow for more generalizability about the experiences of formerly incarcerated people as a whole. In addition, I will be exploring not only how federal housing policies shape the experiences of returning prisoners, but also how federal policies affect policies at the state level in Massachusetts.

In order to understand the present post-release housing trends among formerly incarcerated people, it is necessary to have a historical and political understanding of the origins of mass incarceration in America. There are two main well-known theoretical frameworks that I will describe and analyze in this section. First, we have Michelle Alexander's critical analysis of the criminal legal system in the U.S. in her acclaimed book, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*.⁶⁰ Alexander's main thesis is that the expansion of America's prison system and its targeting of black people is a new racial caste system akin to slavery and Jim Crow.⁶¹ Mass incarceration and the high incarceration rate of black people particularly, Alexander points out, is indeed a "well-disguised system of racialized control."⁶² Alexander explains that swelling rates of incarceration were not a response commensurate to increasing crime rates; on the contrary, crime rates were declining when we started confining an

⁶⁰ Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* (New York: New Press, 2012).

⁶¹ Alexander, "The New Jim Crow," 2-3.

⁶² *Ibid.*, 4.

increasing number of people.⁶³ In the same vein, Alexander asserts that the ‘War on Drug’ was initiated at a time when drug crime was in fact declining. All these factors point to the obvious conclusion that many other scholars have similarly reached: there is no correlation between crime and punishment.⁶⁴ The phenomenon of mass incarceration, targeting primarily black people, can only be explained as a backlash against the Civil Rights Movement that seeks to strip African American people of rights and political power.⁶⁵ In this way, Alexander argues that, “as a criminal, you have scarcely more rights, and arguably less respect, than a black man living in Alabama at the height of Jim Crow.”⁶⁶

While it is undeniably true that black people have been disproportionately affected by mass incarceration, it is unclear what Alexander’s framework makes of white people who also have been confined at higher rates between 1980-2000. Are white people, who ultimately comprise the majority of the incarcerated population, to be considered just collateral damage of a system that targets primarily black people? Additionally, what do we make of recent changes in the primary target of mass incarceration? As James Kilgore points out, since 2001 mass incarceration has increasingly been targeting Latinos, which, in part, reflects the emergence of stricter immigration policies in the aftermath of 9/11.⁶⁷ A closer look at the incarcerated population reveals that the primary target is actually working-class people, which includes white working-class people.⁶⁸ For these reasons, although Alexander’s work has been incredibly influential and has called attention to the racialized nature of mass incarceration, it would be

⁶³ Alexander, 7.

⁶⁴ Ibid.

⁶⁵ Ibid., 11.

⁶⁶ Ibid., 2.

⁶⁷ James Kilgore, “Mass Incarceration: Examining and Moving Beyond the New Jim Crow,” *Critical Sociology* 41, no. 2 (2015), 288.

⁶⁸ Kilgore, “Mass Incarceration,” 286.

inadequate to explain the origins of mass incarceration and make sense of the lived experiences of a majority white formerly incarcerated population.

Another well-known explanation for the rise of mass incarceration is the prison-industrial-complex. Similar to Alexander's framework, this theory also disputes that skyrocketing rates of incarceration are a result of increasing crime levels.⁶⁹ Instead, proponents of this theory argue that the proliferation of prisons and prisoners is linked to the profit-making of a vast number of corporations, which have an interest in the continued expansion of the prison system.⁷⁰ Aside from corporations invested in the creation of prisons, depressed local communities struck by harsh economic policies and de-industrialization are also said to benefit from and support the construction of prisons as they create jobs and increase tax revenues.⁷¹ It is argued, then, that all those who benefit from the prison-industrial-complex, especially big corporations in the punishment industry, create a powerful lobbying network that have pushed for tougher sentence policies that can deliver the supply of human inmates necessary to fill the prisons they build.⁷² Activists and scholars alike argue that among those most invested in lobbying for the expansion of the prison system are companies that employ cheap prison labor.⁷³ For instance, just from 1980 to 1994, prison industry sales increased from \$392 million to \$1.31 billion, with incarcerated people providing their labor to textile and telemarketing industries, to name a few industries.⁷⁴ The prison-industrial-complex, then, is compared to the military

⁶⁹ Angela Y. Davis and Cassandra Shaylor, "Race, Gender, and the Prison Industrial Complex: California and Beyond," *Meridians* 2, no. 1 (2001), 2.

⁷⁰ *Ibid.*

⁷¹ David Lapido, "The Rise of America's Prison Industrial Complex," *New Left Review*, no. 7 (2001), 116-117.

⁷² Lapido, "The Rise," 118.

⁷³ *Ibid.*

⁷⁴ *Ibid.*

industrial complex in the sense that both of these complexes produce vast profits by causing social destruction.⁷⁵

Despite the fact that indisputably the construction of prisons is a source of vast profit-making, the prison-industrial-complex theory is inadequate to explain the rise of mass incarceration and the collateral consequences of imprisonment. Loic Wacquant dismisses this theory as an ‘activist conspiratorial myth’ that supposes a “deliberate ‘plan’ pursued by malevolent and omnipotent rulers” i.e. corporations.⁷⁶ Wacquant reminds us, for instance, that contrary to what prison-industrial-complex proponents claim, carceral work only affects a tiny minority of prisoners. In fact, less than 7 percent of prisoners held in federal and state penitentiaries were being employed behind bars in 1996. These prisoners produced only \$1.6 billion worth of merchandise, which accounts for a very small percentage of the \$40 billions of correctional operating expenditures that year.⁷⁷ Instead, Wacquant argues that the profit-making complex behind prisons is a result of the expansion of the penal state, and not the *cause of* carceral expansion.

As an alternative to the mainstream explanations for the rise of the carceral state in the U.S., we have Wacquant’s theory that proposes a correlation between the retrenchment of the welfare state in an age of economic deregulation and the rise of mass incarceration. Wacquant’s main argument is that the rise of the carceral state in the U.S., which serves as a model to other Western societies, is a response to the economic and social dislocations created by welfare retrenchment and the subsequent imposition of precarious wage labor as the new norm.⁷⁸

Wacquant explains the latter as a process that entails the coupling of the Left hand—which

⁷⁵ David and Shaylor “Race, Gender, and the Prison Industrial Complex,” 3.

⁷⁶ Wacquant, *Punishing the Poor: The Neoliberal Government of Social Insecurity*, xx.

⁷⁷ *Ibid.*, 182.

⁷⁸ *Ibid.*, xv.

entails restrictive workfare—and Right hand of the state—expansive prisonfare—under a philosophy of moral behaviorism.⁷⁹

In order to unpack Wacquant’s central argument, it is necessary to briefly trace the genealogy of his theoretical framework. Wacquant bases his theory on Pierre Bourdieu’s work in *The Weight of the World*. Bourdieu proposed that we think of the state not as a uniform and coordinated entity, but as field where different forces compete over the definition and distribution of public goods, which he calls the ‘bureaucratic field.’⁸⁰ Within this bureaucratic field, there are two main struggles, one of which pits the “Right hand” versus the “Left hand” of the state. On the hand one, the “Left hand” is the feminine side of the state that is in charge of social functions that concern the provision of public education, health, housing, and welfare benefits. On the other hand, the “Right Hand” is the masculine side of the state that deals with enforcing the neoliberal regime through “budget cuts, fiscal incentives, and economic deregulation.”⁸¹ Wacquant adds to Bourdieu’s framework by introducing the courts, the police, and prisons as main components of the “Right Hand.” Based on this theoretical backdrop, Wacquant contends that the U.S. moved from the single regulation of the poor through the Left Hand of the state (underdeveloped welfare system) to the *double regulation of the poor* through both the Right (prisons, police, courts, etc.) and the now masculinized or punitive Left hand of the state.⁸² In this context, welfare provision is meant to serve as a springboard into poverty-level employment for women, and the penal apparatus is meant to tame the men, hence demarking a sexual division in the regulation of the poor.⁸³ The clients of both of these sectors are considered

⁷⁹ Loïc Wacquant, “Crafting the Neoliberal State: Workfare, Prisonfare and Social Insecurity,” *Sociological Forum* 25, no. 2 (2010), 198.

⁸⁰ Wacquant, *Punishing the Poor*, 289.

⁸¹ *Ibid.*

⁸² *Ibid.*, 292-293.

⁸³ Wacquant, *Punishing the Poor*, 15.

deficient and in need of proving the contrary. As such, they are heavily regulated by rigid protocols whose violation may demand the imposition of *social death for moral failing*, which is a condition that most formerly incarcerated people face during their incarceration and upon their return to the free world.⁸⁴

Additionally, Wacquant proposes, also based on Bourdieu's work, that we must think about the state as an entity that has the power to monopolize not only the legitimate use of material violence, but also the use of symbolic violence.⁸⁵ Hence, the penal wing of the neoliberal state is said to have the function to:

[serve] the symbolic mission of reaffirming the authority of the state and the newfound will of political elites to emphasize and enforce the sacred border between commendable citizens and deviant categories, the "deserving" and the "undeserving" poor, those who merit being salvaged and inserted into the circuit of unstable wage labor and those who must henceforth be durably blacklisted and banished.⁸⁶

With this theoretical assertion, Wacquant seeks to move beyond the narrow economic definition of neoliberalism proposed by many scholars. To do so, Wacquant construes *authoritarian moralism* as an integral component of the neoliberal state that seeks to discipline those deemed "undeserving."⁸⁷ And as such, what we see is a mixing of the market and moral discipline "across the economic, welfare, and criminal justice realms."⁸⁸ As we will see later in this thesis, the neoliberal state as a moral disciplinarian determines who has access to basic needs such as stable housing.

Wacquant offers "a class and racial backlash against the social advances in 1960s" as an explanation for what incited the crafting of the neoliberal state through welfare retrenchment and

⁸⁴ Wacquant, *Punishing the Poor*, 15.

⁸⁵ Wacquant, "Crafting the Neoliberal State," 199-200.

⁸⁶ Wacquant, *Punishing the Poor*, xvii.

⁸⁷ Wacquant, "Crafting the Neoliberal State," 216.

⁸⁸ *Ibid.*, 217.

penal expansion.⁸⁹ In “Class, Race and Hyperincarceration in Revanchist America,” Wacquant argues that the downsizing of the welfare state and the expansion of the penal state, which would lead to the hyperincarceration of poor African American men, were driven by a politics of resentment towards people deemed undeserving and disruptive.⁹⁰ More specifically, the expansion of the carceral state, which was “rigorously proportional to the downsizing” of the welfare state, was designed to specifically target first by class and second by race.⁹¹ Following this argument, then, the prison is set to punish and contain “first and foremost poor people,” which becomes evident when one looks back at the penal history of houses of correction in the late sixteenth century that held predominately lower-class people.⁹²

As discussed above, people are targeted by the penal state first on the base of their class according to Wacquant. Second, Wacquant states, comes race, which is proved by the fact that African American males without a high school diploma have disproportionately higher rates of incarceration, while those with a college degree, presumably middle- and upper-class African Americans, are less likely to be incarcerated.⁹³ Wacquant suggests that this classist targeting of the carceral state within the stratified African American community stemmed from the creation of the “hyperghetto,” which entrapped poor black people as black middle-class people started to move out to adjacent areas that whites vacated during their exodus to the suburbs; thus, poor black people were left behind in the *hyperghetto*.⁹⁴ Before the creation of the *hyperghetto*, the

⁸⁹ Wacquant, “Crafting the Neoliberal State,” 198.

⁹⁰ Loic Wacquant, “Class, Race & Hyperincarceration in Revanchist America,” *Daedalus* 139, no. 3 (2010), 74.

⁹¹ Wacquant, “Revanchist America,” 76-78.

⁹² *Ibid.*, 78-79.

⁹³ *Ibid.*, 79-80.

⁹⁴ *Ibid.*, 80.

ghetto before the 1960s contained the stratified, yet unified African American community; in this sense, the ghetto succeeded chattel slavery and Jim Crow as it served as “an instrument of ethnoracial control in the city.”⁹⁵

The expansion of the carceral state after the 1970s, then, was in part a response to the demise of the ghetto as it proved unable to subdue African American protest, Black Power activism, and urban riots during the 1960s.⁹⁶ The specific policy changes that fueled the expansion of the penal state and the retrenchment of the welfare state over time were supported by white people, who fearful of the urban riots and resentful towards the ineffectual government in the face of the stagnation and inflation in the 70s, demanded the end of the welfare state and the alleged leniency of the criminal legal system toward poor black people—who would wind up comprising the *hyperghetto*.⁹⁷ This led to the “end of welfare as we know it” in 1996 and eventually to the hyperincarceration of lower-class black people as a result of the “revanchist city” that grew ever resentful against this “dishonored” population.⁹⁸ In this way, Wacquant sustains, the prison population came to be “ghettoized” abandoning its goal of rehabilitation for one of neutralization; this also led to the increasing stigma of criminal convictions in ways that are similar to “racial dishonor.”⁹⁹ In short, the expansion of the prison state and the punitive policies post-incarceration were permitted because the prison had the taint of ‘blackness.’¹⁰⁰

Wacquant's work, however, has received some criticism. John Pratt, for instance, disputes Wacquant's claim on the rise of neoliberalism since the 1970s being responsible for the

⁹⁵ Wacquant, “Revanchist America,” 81.

⁹⁶ *Ibid.*

⁹⁷ *Ibid.*, 82.

⁹⁸ *Ibid.*

⁹⁹ *Ibid.*

¹⁰⁰ *Ibid.*, 83.

international diffusion of punitive policies across Western society. Instead, Pratt proposes that the unprecedented phenomenon of mass incarceration and harsh penalties in the US has more to do with American penal exceptionalism shaped by long-term historical trends rather than with the sudden rise of neoliberalism.¹⁰¹ Drawing on James Whitman's work in *Harsh Justice*, Pratt contends that the development of the American punitive approach to social problems is, in part, based on the U.S. longstanding resistance to state power after its independence from Britain.¹⁰² This, in turn, had the effect of weakening the central government apparatus and making it more susceptible to populist interventions and the enticement of neoliberal policies.¹⁰³ In this way, Pratt questions the validity of Wacquant's claim which asserts that ascendant neoliberalism is leading to a convergence of punitive policies across Western society. It is expected, Pratt argues, that Scandinavian societies, where they have a strong social democratic model of welfare that fosters solidarity among citizens and a strong government, will never reach the level of harsh punitive penalty adopted in the U.S.¹⁰⁴

To the above criticism, Wacquant responded it is true that Western Europe has very low rates of confinement compared to the U.S. But this should not prevent us from noticing that penalization takes different forms in this part of the world.¹⁰⁵ European governments, for instance, tend to make more use of the police, rather than prison, to repress social disorder especially in low-income communities.¹⁰⁶ Additionally, the inmate population in many Western

¹⁰¹ John Pratt, "The International Diffusion of Punitive Penalty: Or, Penal Exceptionalism in the United States? Wacquant v Whitman," *Australian and New Zealand Journal of Criminology* 44, no. 1 (2011), 117-118.

¹⁰² *Ibid.*

¹⁰³ *Ibid.*, 118;126.

¹⁰⁴ *Ibid.*, 125.

¹⁰⁵ Loïc Wacquant, "The Wedding of Workfare and Prisonfare in the 21st Century: Responses to Critics and Commentators," in *Criminalisation and Advanced Marginality: Critically Exploring the Work of Loïc Wacquant*, ed. Peter Squires and John Lea (Bristol, UK; Chicago, IL: Policy Press, 2012), 246.

¹⁰⁶ Wacquant, "The Wedding of Workfare and Prisonfare," 246.

European countries has indeed shown, although in a smaller scale than the US, a steady growth since the 1980s, which supports Wacquant's claim.¹⁰⁷ Nonetheless, Wacquant admits that Western Europe expectedly will have a different response to the rise of neoliberalism because of its robust welfare state and human rights standards. This is not to say, however, that at the macro-political level, Western Europe is not adopting the same law and order rhetoric that the U.S has employed.¹⁰⁸

Although Wacquant would not identify 'U.S. penal exceptionalism' as the main cause behind mass incarceration, he certainly acknowledges that historical and institutional trends in the U.S. have made the country more susceptible to implementing harsh punitive penalties and favoring neoliberalism. In *Pushing the Poor*, Wacquant does indeed address "some distinctive properties of the American State," such as the U.S. anti-big government stance, its residual welfare state, and its bureaucratic fragmentation.¹⁰⁹ As such, this demonstrates that Wacquant is not discounting the unique political structure or historical trends of the U.S., nor is he proposing that Western Europe will have a mechanical replication of punitive policies in the U.S.¹¹⁰

A discussion of the neoliberal state in the U.S. and U.S. penal exceptionalism, however, merits a note addressing some cultural and political values that were present in American society from its very founding. Colonial settlers and, later, American citizens always believed in the importance of self-sufficiency, self-rule, and economic independence both through westward territorial expansion and competitive individualism.¹¹¹ This is to say that ideas of self-sufficiency and individualism in the U.S. predate the advent of neoliberal ideology. The push for self-

¹⁰⁷ Wacquant, "The Wedding of Workfare and Prisonfare," 246

¹⁰⁸ Ibid., 247.

¹⁰⁹ Wacquant, *Punishing the Poor*, 44-45.

¹¹⁰ Wacquant, "The Wedding of Workfare and Prisonfare," 247.

¹¹¹ Rana, 99-175

sufficiency and individual responsibility, however, has been exacerbated in a detrimental way because of further neoliberal privatization and deregulation.¹¹² Sectors that were once regulated by the state have been turned to the private sector so as to increase efficiency and competition through market competition. Affordable housing federal and state programs, for example, have been increasingly privatized through programs that turn recipients to the private market to find housing with housing vouchers.

Within neoliberal ideology, it is assumed that all people have equal access to information, resources, and freedom in the marketplace. As such, everyone must be held accountable for their own actions and well-being. In other words, individual success or failure are measured in terms of entrepreneurial virtues rather than being attributed to systematic inequalities.¹¹³ This particular philosophy is what goes beyond a simple economic definition of neoliberalism and morphs into moral authoritarianism or market discipline as discussed by Wacquant.

Margit Mayer (2010) is also critical of Wacquant's model of the neoliberal state. In her first observation about Wacquant's work, Mayer points that in this formulation of the neoliberal state, it is rather unclear who is 'the same clientele' that both the right (penal apparatus) and left (welfare provision) hands of the state are serving. To support her point, Mayer lists all the different ways in which Wacquant refers to the target population of the punitive neoliberal state: at one point it is the *Aid to Families with Dependent Children* (AFDC) recipients, at another point it is just the 'disruptive poor,' or the 'destitute and disruptive fractions of the postindustrial proletariat.'¹¹⁴ In addition, Wacquant proposes a further distinction between those who are

¹¹² David Harvey, *A Brief History of Neoliberalism* (Oxford, New York: Oxford University Press, 2005), 65.

¹¹³ Ibid.

¹¹⁴ Margit Mayer, "Punishing the Poor - A Debate," *Theoretical Criminology* 14, no. 1 (2010), 95.

considered dispossessed but ‘deserving’ or salvageable through workfare, and those considered deviant and underserving subject to prisonfare.¹¹⁵ In response to Wacquant’s categorization, Mayer argues that social and economic insecurity have expanded beyond traditional poverty populations to affect also working- and middle-class people, which makes the division line between those ‘deserving’ and ‘undeserving’ blurry.¹¹⁶ This is all to say that these categories disciplined by the new poverty policies are constantly shifting and are far from homogenous, even though Wacquant chooses to focus primarily on the ‘(sub)proletarian blacks’ as a group particularly representative of the target population of punitive policies.¹¹⁷ Based on my interviews and research that document the middle-class’ struggles under economic insecurity, I must agree with Mayer. It is true that, as Wacquant argues, poor racial minorities are particularly susceptible to the discipline of the neoliberal state either through its right or left hand; however, anyone—either working- or middle-class regardless of race—who fails to uphold values of self-sufficiency and individual responsibility for any number of reasons can be subjected to the regulation of the punitive neoliberal state.

Another critique that Mayer has is the passivity and powerlessness with which Wacquant paints the target population of the neoliberal state. Mayer suggests that in Wacquant’s account ‘the precarious fractions of the proletariat’ seem to have little capacity for opposing the punitive neoliberal regime or the conditions imposed on them.¹¹⁸ Even though Wacquant repeatedly refers to them as “disruptive” or “recalcitrant,” there is no mention of possible collective action. In Wacquant’s model, Mayer contends, there is no indication of “where opposition against this

¹¹⁵ *Ibid.*

¹¹⁶ *Ibid.*

¹¹⁷ *Ibid.*, 95-96.

¹¹⁸ Mayer, 100.

regime might emerge from,” not even within the bureaucratic field.¹¹⁹ On this point, I must also agree with Mayer. Wacquant’s treatment of the target population does not present them as actors with agency capable of proposing a progressive alternative. Based on my interviews, however, I have been able to identify forms of solidarity among formerly incarcerated people that aim to resist the precarious housing conditions they face post-release. Not to mention, there are countless grassroots organizations and established non-profits whose work aim to reform criminal justice and aid those affected by incarceration, as well as to expand welfare benefits.

It is true that Wacquant’s theory and formulation of the neoliberal state have some weaknesses, which were addressed above. Nevertheless, his theory proves to be useful as an analytical framework for this thesis because it relinks social welfare and penal policies as two strands of government that increasingly regulate the same population.¹²⁰ By analyzing the experiences of my interviewees and the policies that influenced their experiences, it became clear to me that there is indeed an overlap between welfare and penal policies. Hence, I intend to use Wacquant work’s critiques and other theoretical literature as building blocks to develop a more robust theory that explains the advent of mass incarceration and collateral consequences for formerly incarcerated people.

One of the aims of this thesis is to elucidate the condition of social death that formerly incarcerated face because of what Wacquant would term, “social death for moral failing.” For this purpose, I employ Joshua M. Price’s understanding of social death in *Prison and Social Death*. In his book, Price recounts his engagement in participatory action research around health care of incarcerated people in upstate New York working in collaboration with the National Association for the Advancement of Colored People (NAACP) to advocate for prisoners’ rights

¹¹⁹ Mayer, 100.

¹²⁰ Wacquant, “Crafting the Neoliberal State,” 199.

to health care.¹²¹ Price maintains that prisoners are subject to social death as a permanent condition that comprises three aspects: systemic violence, generalized humiliation, and natal alienation.¹²² Therefore, Price explores these three aspects of social death by categorizing the experiences, primarily with receiving health care, of incarcerated people in upstate New York within each aspect. For my thesis, I argue that these three aspects of social death can also be used to analyze the experiences of formerly incarcerated people with housing post-release.

In this section, I will briefly explain what each category of social death entails. First, natal alienation offers a framework that explains systematic separation in the way that prison enables the state to dictate how one is allowed to parent.¹²³ At the core of natal alienation, Price explains, is the fact that relatives cannot aid each other; this is similar to slavery times, when slaves were made to watch the suffering of a relative without being able to intervene.¹²⁴ The main consequence of natal alienation is isolation from one's kin and community, which in itself is a form of structural violence that leads to extreme vulnerability.¹²⁵ Second, humiliation is defined as "stripping people of dignity, honor, or pride, [thus] rendering them helpless and making them the object of contempt." Humiliation is also said to entail being put "into a powerless position by some who has, at the moment, a greater power than oneself."¹²⁶ In the penal system and the post-release period, the state has the power to humiliate people through its policies and practices.¹²⁷ While most of the humiliation discussed by Price has to do with sexual

¹²¹ Joshua M. Price, *Prison and Social Death* (New Brunswick, New Jersey, and London: Rutgers University Press, 2015), 6.

¹²² Price, *Prison*, 5; 20.

¹²³ Price, 23-24.

¹²⁴ *Ibid.*, 25.

¹²⁵ *Ibid.*, 24.

¹²⁶ *Ibid.*, 41.

¹²⁷ *Ibid.*

assault in prisons and jails, I will employ this framework to demonstrate how the state has the power to humiliate by denying housing to formerly incarcerated people. Lastly, systematic violence is engendered by the conditions created by the two aspects of social death mentioned above. For my analysis, I will address more specifically how denial to decent housing is a form of structural violence.

2 Federal and State Policies

Introduction

In the last four decades, we have observed a gradual substitution of the American liberal welfare state¹²⁸ by the rise of the penal apparatus, which now serves as a new form of social policy for the dispossessed categories—the working class, the homeless, drug addicts, and members of racial and ethnic minorities. The slow rolling back of the semi-welfare state started in the 1970s and reached its apex with the “end of the welfare state as we know it” in 1996.¹²⁹ At the same time, incarceration rates started to swell as the government began to wage its “War on Drugs” in the 1970s, and as more punitive social policies were adopted. In this chapter, I argue that it is precisely this phenomenon consisting of the welfare state rolling-back and penal state rolling-out that gave place to the current federal and state policies that deny access to housing to formerly incarcerated people in this case study of Greater Boston.

Since the key policy changes that addressed housing for people with a criminal record occurred in the late 1980s and the 1990s, I will primarily focus on this period. In doing so, I will offer a brief overview of the federal policies that contributed to both the retrenchment of the welfare state and the expansion of the carceral system¹³⁰ to discuss how these policies were reflected at the state level in Massachusetts. After providing this politico-historical examination

¹²⁸ According to Gosta Esping-Andersen in *The Three Worlds of Welfare Capitalism*, in a liberal welfare state social assistance tends to be modest and catered primarily to low-income people, who are often stigmatized for receiving welfare. In this model, welfare growth is limited by liberal work-ethic norms, which means that the reach of welfare is limited by the possibility of choosing welfare over work.

¹²⁹ Kevin Lang, “Welfare Reform,” in *Poverty and Discrimination* (Princeton, N.J.: Princeton University Press, 2007), 245.

¹³⁰ The “carceral system” is also referred to as the carceral or penal state throughout this text. With the term “carceral state,” I am talking about all institutions tasked with policing and confining the poor, racial minorities, and other dispossessed categories.

of policies, I will focus more concretely on Massachusetts state laws that dictate how the Criminal Offender Record Information (CORI) is used by both private landlords and housing authorities to determine who gets access to housing.¹³¹ Lastly, I will discuss the CORI reform that took place from 2010 to 2012, as well as the criminal justice overhaul that followed in Massachusetts in 2018. I will also offer a brief explanation on how these reforms are likely to affect access to housing for people with a criminal record. In this way, this chapter is meant to serve as a background for the analysis of the experiences of my interviewees with securing housing that will be addressed in the next chapter.

Welfare Retrenchment at the Federal and State Level

A landmark piece of legislation called the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA), which was signed into law by president Bill Clinton in 1996, would come to represent a turning point in welfare reform. This act essentially abolished the Aid to Families with Dependent Children (AFDC) program and substituted it with the Temporary Assistance to Needy Families (TANF) block grant.¹³² Under this new legislation, working became a requirement for receiving welfare, time limits for receiving aid were shortened, and states were subjected to less federal regulation, thus allowing for states to design their own welfare requirements.¹³³

Most importantly, TANF was awarded in the form of a fixed grant that did not depend on the specific economic situation or the welfare spending history of different states, which meant receiving less financial federal support even when the economy was bad. Consequently, states

¹³¹ I will not be focusing on the local regulations of Greater Boston because Massachusetts “has a state-administered welfare system with little local discretion regarding policy or benefits.” Pamela Holcomb et al., “Recent Changes in Massachusetts Welfare and Work, Child Care, and Child Welfare Systems,” *The Urban Institute* (Washington, D.C.: The Urban Institute, 2001).

¹³² Lang, “Welfare Reform,” 245-246.

¹³³ Lang, 246.

had an incentive to try to reduce their welfare spending to avoid drawing on their resources when the number of families benefitting from this program increased under poor economic conditions.¹³⁴ Although welfare retrenchment started well before 1996, it is with this legislation that we see a drastic shift in the role of the federal government in providing regulatory and financial support to welfare programs run at the state level.

Moreover, within this law there was a provision that imposed a lifetime ban on eligibility for TANF benefits for people charged with a felony for drug use, possession, and/or distribution. This ban was equally applied to all individuals with a drug-related felony conviction, and it did not exempt either pregnant women, people in treatment or recovery, nor people with HIV/AIDS.¹³⁵ With this provision, we see an instance of providing welfare benefits only to the “deserving” poor, which expectedly did not include people with a felony conviction. This TANF ban targeting people convicted of a felony also demonstrates that welfare retrenchment was directly linked with the expansion of the reach of the carceral state through social assistance institutions. Under Massachusetts laws, however, the ban was less severe; programs funded by TANF at the state level, which includes the Supplemental Nutrition Assistance Program (SNAP), do not ban people with a drug felony conviction from receiving benefits.¹³⁶

In the case of Massachusetts, we see a combination of harsh restrictions and generous exemptions. The state saw changes in its welfare assistance system before 1996. In 1995, the state obtained waivers from federal welfare regulations to implement the Transitional Aid to Families with Dependent Children (TAFDC) program.¹³⁷ Under this new program, the state

¹³⁴ Lang, 246.

¹³⁵ Marc Mauer and Meda Chesney-Lind, eds., *Invisible Punishment: The Collateral Consequences of Mass Imprisonment* (New York: The New York Press, n.d.), 41.

¹³⁶ Baker and Negus, “What If I Have a Criminal Record or DTA Says I Am a ‘Fleeing Felon’?”

¹³⁷ This program was and continues to be funded under the federal block grant TANF.

restricts cash assistance to 24 months within a 60-month period, which is stricter than the federal 60-month time limit. Also, able-bodied recipients with school-age children are required to work from day one.¹³⁸ With these requirements the clear message behind TAFDC is that assistance is, as the name indicates, “transitional” or temporary, and that recipients must be prepared to exit welfare and start working.¹³⁹ As such, the program started to shift its focus on employment services to push families towards self-sufficiency.¹⁴⁰

While it may seem that some of Massachusetts’ laws concerning welfare benefits are stricter than federal regulations, these laws also guarantee the provision of multiple exemptions as we saw with the case of TANF benefits for people with drug felonies. Similarly, for the TAFDC program, the majority of recipients qualified for exemption from the work requirement (92% of recipients as of January 2000).¹⁴¹ What might explain this combination of harsh restrictions (conservative-leaning) and exemptions (progressive-leaning) is the legislative political framework of the 1990s and part of the 2000s in the state. From 1992 to 2013, Massachusetts had Republican Governors while the House and Senate remained dominated by Democrats.¹⁴² This history indicates that state policies might be the result of compromises between Republicans and Democrats.

If these welfare policy changes are looked at through the lens of the theoretical framework proposed by Wacquant, it can be argued that this shift from welfare to workfare was designed to impose the new precarious wage labor on low-income families. In Wacquant’s own

¹³⁸ Holcomb et al., “Recent Changes in Massachusetts Welfare and Work, Child Care, and Child Welfare Systems,” 5.

¹³⁹ Holcomb et al., 5-6.

¹⁴⁰ Ibid.

¹⁴¹ Ibid.

¹⁴² Ibid; “Governor of Massachusetts,” Ballotpedia, accessed December 5, 2018, https://ballotpedia.org/Governor_of_Massachusetts..

words, public aid bureaucracy was converted “into an administrative springboard into poverty-level employment” to inculcate “the duty of working for work’s sake among poor women.”¹⁴³

This push towards self-sufficiency through poverty jobs is captured best by the words of Paul Cellucci—who was the Massachusetts’ lieutenant governor from 1991 to 1997: “A job, any job, is better than continued dependence on government assistance.”¹⁴⁴

Drawing on feminist literature, Wacquant ascribes a gendered nature to the *double regulation of the poor* through welfare provision, policing, and punishment through the penal state. On the one hand, the “maternal” arm of the state, which is the welfare state, regulates working class women.¹⁴⁵ On the other hand, the “masculinized” carceral state disciplines the brothers, boyfriends, husbands, and sons of working-class women dependent on welfare assistance. Within this context, it becomes clear that the liberal welfare and penal arms of the state are meant to discipline the same population—poor and working-class people along with other dispossessed categories—regulated through a sex division because they are considered morally deficient in an era of ascendant neoliberalism.¹⁴⁶ These targeted populations are tasked with constantly trying to prove that they are deserving of social rights, hence stressing the “individual responsibility” to escape social death for moral failing.¹⁴⁷ As I will discuss later on, reform laws that seek to provide more opportunities for formerly incarcerated people continue to be based on a logic of “individual responsibility” that pressures individuals with a criminal

¹⁴³ Wacquant, *Punishing the Poor*, 15..

¹⁴⁴ Holcomb et al., 6.

¹⁴⁵ This is demonstrated by the fact that 90 percent of welfare recipients in the US are mothers. Wacquant, *Punishing the Poor: The Neoliberal Government of Social Insecurity*, 15.

¹⁴⁶ I want to note that this binary division of sexes is not meant to erase the struggles of nonbinary people with the criminal legal system. After all, the carceral state is also tasked with promoting patriarchal notions of sex and gender as it aims to punish those who are considered sexual deviants because they fall outside false binaries. See *Queer (In)justice: The Criminalization of LGBT People in the United States (2011)* by Joey L. Mogul, Andrea J. Ritchie, and Kay Whitlock.

¹⁴⁷ Wacquant, *Punishing the Poor*, 15-16.

record to escape recidivism despite the lack of provision of social benefits, such as a housing, that can help them attain that goal.

The Expansion of the Carceral State

When I talk about the expansion of the carceral state, I am not only referring to the high budgetary spending on prisons and jails, the different laws enacted as a consequence of the “War on Drugs” and the “War on Terror” that resulted in high incarceration rates, or even the thousands of people who end up under parole or probation supervision post-release. I am more concretely addressing punitive welfare and, more specifically, housing policies that target people with a criminal record. In this section, I will be reviewing four main acts that concern the regulation of access to subsidized or public housing for formerly incarcerated people: The Anti-Drug Abuse Act of 1988; the Cranston-Gonzales National Affordable Housing Act of 1990; the Housing Opportunity Program Extension Act of 1996; and the Quality Housing and Work Responsibility Act of 1998.

The Anti-Drug Abuse Act of 1988 was the first piece of legislation that addressed public housing as a battleground for the “War on Drugs.” This act gave the Secretary of the Housing and Urban Development (HUD) the federal financial resources to allocate grants to local PHAs, who were then tasked with establishing initiatives to eliminate drug activity from public housing communities.¹⁴⁸ Under this act, federal benefits (including public housing) were to be denied up to five years for people convicted for the first time for a drug trafficking offense and “permanently upon a third or subsequent conviction.”¹⁴⁹ For those convicted of drug possession,

¹⁴⁸ Lahny R. Silva, “Criminal Histories in Public Housing,” *Wisconsin Law Review*, no. 375 (2015), 380.

¹⁴⁹ U.S. Congress, House, Anti-Drug Abuse Act of 1988, HR 5210, 100th Cong., Introduced in House August 11, 1988, <https://www.congress.gov/bill/100th-congress/house-bill/05210>

they were to become ineligible for federal benefits for up to one year and would require the completion of a drug treatment program and/or community service. Similar to the punitive sanctions for drug trafficking, if the drug possessor reoffended for a second time, their ineligibility restriction would be increased to five years and so on.¹⁵⁰ These “Three strikes and you’re out” policies would soon be replaced by Clinton’s much harsher “One strike and You’re Out” approach. In this sense, we see a shift towards more punitive housing policies.

While the above-mentioned act specifically targeted drug activity on public housing grounds, enforcement often resulted in the exclusion from admission of even those with a drug-related conviction outside of public housing perimeters.¹⁵¹ This practice was reinforced with the passage of the National Affordable Housing Act of 1990, which permitted the use of criminal records by PHAs to determine admission eligibility to public housing. The legislation also dictated that PHAs were authorized to look at the criminal histories of not only the applicant, but also of all the household members. Most importantly, this law stated that “individuals or families evicted from federally assisted housing for drug-related criminal activity” were not to be considered “preferred households” to receive federal housing assistance.¹⁵²

The Cranston-Gonzalez act also had a provision that required the HOME Investment Partnerships program, which is the largest federal block grant to state and local governments to create affordable housing for low-income households, to give preference to rehabilitating affordable housing over constructing new affordable housing.¹⁵³ Ergo, this act also further

¹⁵⁰ U.S. Congress, House, Anti-Drug Abuse Act of 1988.

¹⁵¹ Lahny R. Silva, “Criminal Histories in Public Housing,” *Wisconsin Law Review*, no. 375 (2015), 381.

¹⁵² *Ibid*; U.S. Congress, Senate, Cranston-Gonzales National Affordable Housing Act of 1989-1990, 101st Cong., Introduced in Senate March, 15 1989, <https://www.congress.gov/bill/101st-congress/senate-bill/566>.

¹⁵³ Cranston-Gonzales National Affordable Housing Act of 1989-1990, 101st Cong., Introduced in Senate March, 15 1989; “HOME Investment Partnerships Program,” U.S. Department of Housing and Urban Development, accessed December 5, 2018, https://www.hud.gov/program_offices/comm_planning/affordablehousing/programs/home/.

contributed to the shortage of federally subsidized affordable housing. In this way, the exclusion of people with a criminal record from public and subsidized housing is also a convenient response to try to reduce the number of people applying to the limited supply of affordable housing.

Next, the Housing Opportunity Program Extension (HOPE) Act of 1996, colloquially known as the “One Strike and You’re Out” policy, ordered that both federal and state law enforcement agencies comply with the PHAs’ requests of criminal records.¹⁵⁴ Additionally, under this law PHAs were authorized to evict an entire household or deny housing if “any member or guest of a household is engaging in illegal drug use or criminal or other activities.”¹⁵⁵

Before the passage of the HOPE act in March of 1996, Bill Clinton in his State of the Union address challenged local housing authorities and tenant associations to submit residents who commit crime to the rule of “one strike and you’re out.” In addition, Clinton challenged states to match federal policy mandating that people convicted of violent criminal acts serve at least 85 percent of their sentence and for communities to create their own prevention strategies not dictated by Washington.¹⁵⁶ Here we observe a good example that attests to what Wacquant calls the formation of a “hybrid state.” On the one hand, the hybrid state upholds its responsibility to intervene in crime management by promoting the exclusion of people with a criminal history from public and subsidized housing through punitive policies; on the other hand, the state adopts a “minimalist” or noninterventionist approach when it comes to providing social

¹⁵⁴ Silva, “Criminal Histories in Public Housing,” 381.

¹⁵⁵ “Meeting the Challenge: Public Housing Authorities Respond to the One Strike and You’re Out Initiative” (U.S. Department of Housing and Urban Development, 1997), pp. v, <https://www.ncjrs.gov/pdffiles1/Photocopy/183952NCJRS.pdf>.

¹⁵⁶ “President Clinton’s 1996 State of the Union Address as Delivered,” Clinton White House Archives, accessed December 5, 2018, <https://clintonwhitehouse4.archives.gov/WH/New/other/sotu.html>.

assistance through drug prevention programs by leaving the decision-making and funding to state and local governments.¹⁵⁷

The Quality Housing and Work Responsibility Act of 1998 (QHWRA) further expanded the PHAs' discretion in determining admission to federally assisted housing. This act called for the consideration of drug abuse treatment facility records on top of criminal records to decide on admission of applicants.¹⁵⁸ In addition, it stated the ineligibility of “of dangerous sex offender applicants for admission to federally assisted housing.”¹⁵⁹ Following the passage of the QHWRA, the Independent Agencies Appropriations Act of 1999 was passed establishing a ban that prohibited the admission of a household member convicted of methamphetamine production on the premises of public housing.¹⁶⁰

Not surprisingly, these punitive housing policies did not only affect the public housing realm, but also the private market sector. Private landlords, too, started to follow the recommendations issued for PHAs and began screening people out for a criminal background. Regarding this point, some reentry advocates, in fact, have asserted that, “Once the housing authority did it, everybody started to do it,” so that anyone with a criminal record will be denied access to market rate housing as well.¹⁶¹

Sex Offender Laws

The first sex offender registration law was enacted in 1993 with the passage of The Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act. The early

¹⁵⁷ Wacquant, *Punishing the Poor*, 42-43.

¹⁵⁸ Louise Hunt, Mary Schulhof, and Stephen Holmquist, “Summary of the Quality Housing and Work Responsibility Act of 1998 (Title V of PL 105-276).” 1998, no. December 1998 (1998), 24, https://portal.hud.gov/hudportal/documents/huddoc?id=DOC_8927.pdf.

¹⁵⁹ *Ibid.*

¹⁶⁰ Silva, “Criminal Histories in Public Housing,” 382.

¹⁶¹ “No Second Chance: People With Criminal Records Denied Access to Public Housing” (Washington, D.C.: Human Rights Watch, 2004), 17.

version of this act required sex offender to register with local law enforcement officials after being released from prison on any release status. People convicted of sex offenses were required to register annually for ten years after their release providing their residential and employment information to law enforcement officials.¹⁶² If states failed to enforce this new law, they would lose ten percent of their Byrne Grant Crime Funds.

In the early versions of the Wetterling Act, whether to notify communities about the presence of a sex offender was at the discretion of local police department. This changed after Megan Kanka from New Jersey was murdered by a sex offender. A statewide law in New Jersey enacted in 1996 *required* law enforcement agencies to notify communities of the presence of sex offenders.¹⁶³ In 2006, President Bush signed into law the Adam Walsh Child Protection and Safety Act which greatly expanded the requirements of sex offender registration and notification to all 49 states.¹⁶⁴ Similar to the implementation of the Wetterling Act, states were given three years to implement this new law or risk losing ten percent of their federal crime funds.¹⁶⁵

In addition to federally mandated laws that require the registration of sex offenders and notifications to communities about their presence, there are thousands of cities and towns around the country that have passed legislation that makes it illegal for sex offenders to live within 1000-2500 feet of a day care, school, park, bus stop or other places where children might be.¹⁶⁶ This greatly limits the housing options of people convicted of sex offenses which can often lead them to recidivate.

How did Federal Regulations translate in Massachusetts?

¹⁶² Richard G. Wright, "Sex Offender Post-Incarceration Sanctions: Are There Any Limits?," *New England Journal on Criminal and Civil Confinement* 34 (2008), 29-30.

¹⁶³ Wright, "Sex Offender Post-Incarceration Sanctions," 30.

¹⁶⁴ *Ibid.*, 31.

¹⁶⁵ *Ibid.*, 34.

¹⁶⁶ *Ibid.*, 42.

In Massachusetts, housing authorities and private landlords also make wide use of criminal records to determine eligibility for federally-subsidized, state-subsidized, and private market housing as a result of the previously reviewed federal policies. In the case of housing authorities, they are limited to the use of the Criminal Offender Record Information (CORI) to run background checks on applicants. Put simply, one gets a CORI if one has been charged with a crime in a Massachusetts or federal court. This CORI report contains a list of all criminal charges, including cases one was found not guilty for and cases that were dismissed.¹⁶⁷ With this information in the hands of housing providers both in the private and public sector, decisions about who qualifies as a prospective tenant are subject to wide discretion. There are, however, restrictions on how much of this report both private landlords and housing authorities can see.

Public housing authorities or government housing agencies that oversee federal or state-funded subsidized housing as well as property management companies that operate subsidized housing have CORI “Required 1” access. Under this access, the system shows all criminal cases still going on in court, misdemeanors and felonies no matter how old, murder, manslaughter and/or sex offense conviction unless they were sealed or expunged.¹⁶⁸ Private landlords (including those renting to subsidized housing voucher holders) get “Standard” access. The “standard” access shows everything disclosed with the “Required 1” access, but with the exception that, it only shows misdemeanors within the past five years and felonies within the past ten years.¹⁶⁹

¹⁶⁷ “What Is CORI?,” Mass Legal Help, 2015, <https://www.masslegalhelp.org/cori/what-is-it>.

¹⁶⁸ Annette Duke, “What CORI Can Be Requested,” Mass Legal Help, 2012, <https://www.masslegalhelp.org/cori/housing/what-cori>.

¹⁶⁹ Duke, “What CORI Can Be Requested.”; “Know Your CORI Rights: Sealing and Expungement of Criminal Record Information (CORI)” (Boston: Greater Boston Legal Services, 2018), 5.

As per the National Affordable Housing Act of 1990, Massachusetts housing authorities are required to run background checks on all household members to determine eligibility for housing. Private landlords and property management companies, or real estate agents, however, under the new criminal justice law can only run a criminal history check through CORI on the applicant but not all household members. Nevertheless, private stakeholders can easily get around this restriction by making use of consumer reporting agencies to run background checks on all household members.¹⁷⁰ If a private housing provider obtains criminal history through consumer reporting agencies and decide to not provide housing based on that evidence, the applicant may request a copy of the report and be given the chance to correct any errors on the report.¹⁷¹ However, based on my interviews, I can attest that applicants are rarely notified by private landlords that their denial had to do with a criminal history obtained through a consumer report nor are they given the chance to correct any errors on said report.

Consumer reporting agencies and other private companies produce criminal records based on information gathered from public sources. These reports are notorious for containing mistakes as they tend to not always update their records for cases that were dismissed or ended in one's favor.¹⁷² Furthermore, these reports can also show arrest records or court appearances that are available in public records without disclosing the final result of a criminal charge.¹⁷³ To counteract the use of these reports produced by private companies, laws have created incentives for employers to use the CORI system to get background checks. Under these laws, employers are protected in certain circumstances from liability for making a negligent hiring decision

¹⁷⁰ Annette Duke, "Applying for Housing," Mass Legal Help, 2012, <https://www.masslegalhelp.org/cori/housing/apply-for-housing>.

¹⁷¹ "Guide to Criminal Records in Employment and Housing," Mass.gov, accessed December 5, 2018, <https://www.mass.gov/guides/guide-to-criminal-records-in-employment-and-housing#housing>.

¹⁷² "Know Your CORI Rights: Sealing and Expungement of Criminal Record Information (CORI)," 22.

¹⁷³ Duke, "Applying for Housing."

within 90 days from receiving a CORI report. With the passage of the new criminal justice reform legislation in 2018, these protections have also been extended to landlords to incentivize them to use the CORI system.¹⁷⁴

Criminal Justice Reform in Massachusetts

Massachusetts has been making progress in criminal justice reform since 2010. With the hopes of decreasing recidivism rates and increasing employment opportunities for people with criminal records, the Massachusetts legislature passed the CORI Reform in 2010. This reform contained a ‘ban the box’ provision that prohibits both public and private employers from inquiring about criminal histories on initial job applications, unless an exception is provided by federal or state law.¹⁷⁵ In 2012, the second phase of the CORI reform put in effect changes regarding who can access the state’s CORI database, and what level of information is accessible to different categories of requestors.¹⁷⁶ Due to these law changes, as discussed before, private landlords have ‘standard’ access to the criminal history of an individual through the CORI system. Under this reform, the standard access does not disclose CORI records of misdemeanors older than five years and felonies older than ten years.¹⁷⁷ But as we saw before, private landlords can continue to access criminal histories without time restrictions through privately produced records.

In April of 2018, Massachusetts Governor Charlie Baker signed into law a criminal justice reform bill called “An Act Relative to Criminal Justice Reform.”¹⁷⁸ This bill introduces a

¹⁷⁴ “Know Your CORI Rights: Sealing and Expungement of Criminal Record Information (CORI),” 22.

¹⁷⁵ Osborne Jackson, Riley Sullivan, and Bo Zhao, “Reintegrating the Ex-Offender Population in the U.S. Labor Market: Lessons from the CORI Reform in Massachusetts” (New England Public Policy Center, 2017), 5.

¹⁷⁶ Jackson, Sullivan, and Zhao, 6.

¹⁷⁷ *Ibid.*, 6-7.

¹⁷⁸ Steve Brown, “7 Key Provisions Of The Criminal Justice Bill,” WBUR News, 2018, <https://www.wbur.org/news/2018/04/06/criminal-justice-reform-bill-key-provisions>.

major overhaul of the criminal justice system in Massachusetts by eliminating mandatory minimum sentences for drug dealing, making it easier to expunge records for crimes committed before the age of 21 and crimes related to marijuana (which is now legal in Massachusetts), and among other changes.¹⁷⁹ Most importantly, this act further advanced the CORI reform that started in 2010. Under this new legislation, the waiting period for sealing misdemeanors and felonies was reduced from five years to three years for misdemeanors and from ten years to seven years for felonies.¹⁸⁰ However, the reform does not seem to have affected the hold back periods for misdemeanors and felonies; in other words, CORI requestors with “Standard” access can still see misdemeanors within the past five years and felonies within the past ten years.¹⁸¹

While these CORI reforms are heading in the right direction by trying to make reintegration easier for people with a criminal record, they are still lacking for two main reasons. First, as long as private landlords continue to rely on private tenant screening agencies and reports, these laws will have little effect on actually increasing housing or employment opportunities for people with a criminal history. And second, the effectiveness of shortening the waiting periods to seal convictions to create more housing opportunities still depends on the ability of people with criminal records to not recidivate. Even though incentives have been created for landlords to use the CORI system, they might still continue to favor private reports as they provide them with full access to criminal histories.

In addition, every time one is convicted or re-incarcerated, the CORI clock re-starts the waiting period of three years for misdemeanors and seven years for felonies to seal cases.¹⁸² This

¹⁷⁹ Brown, "7 Key Provisions of the Criminal Justice Bill"; Shira Schoenberg, "Gov. Charlie Baker Signs Landmark Massachusetts Criminal Justice Overhaul, despite Concerns," *MassLive.com*, 2018, https://www.masslive.com/politics/index.ssf/2018/04/gov_charlie_baker_signs_landma.html.

¹⁸⁰ "Know Your CORI Rights: Sealing and Expungement of Criminal Record Information (CORI)," 5.

¹⁸¹ *Ibid.*, 6.

¹⁸² *Ibid.*

means that during the waiting period, people with criminal histories are still unable to access housing, which, in turn, can send them back through the revolving door of reincarceration. As a result, formerly incarcerated people find themselves trapped in an impossible game with the end goal of not recidivating while, at the same time, not having housing security that is essential to keep employment and hence not recidivate. Once again, it is the individual responsibility of people with a criminal record to save themselves from social death, even though there is no social safety net in place for them to succeed.

Conclusion

Throughout this chapter, I laid out how welfare retrenchment works in conjunction with the expansion of the carceral state. To make this point, I presented evidence first by discussing a key congress bill that culminated with the apex of welfare reform; based on this background, I suggested what changes were seen at the state level in Massachusetts as a result of this bill. Along with the review of welfare policy changes, I included an explanation about the double regulation of the poor through welfare provision and incarceration. In this explanation, I emphasized the centering of individual responsibility to guarantee that one has access to the limited social rights offered by the semi- or liberal welfare state. From this point forward, I provided a brief review of four key federal acts that resulted in the ability of PHAs to deny housing based on a criminal history. Having these federal legislations as background, I explained how Massachusetts establishes how private landlords and public housing authorities have access to a criminal record through the CORI system. Lastly, I discussed how even though we see a

wave of criminal justice reform in Massachusetts, these reforms, in part, are still based on the foundation of punitive policies that deny social rights to the criminalized “other.”

3 Analysis of Interviews

I understand that I have a criminal record but that doesn't mean that I don't deserve the right to live, you understand what I'm saying? I understand that there's rules and regulations. But you're enforcing rules and regulations— I'm not locked up, I'm not doing time. These people here want to have you locked up like you're doing time. And I feel that I shouldn't be into that realm, because I'm not in that realm [anymore]. I'm out here in the streets, and I'm trying to make things better for my situation.

— Dominique, Interview at St. Francis House, August 6, 2018

Introduction

At the time of our interview, Dominique, a 38-year-old black man, was living at St. Francis House as part of their Next Step Housing program. This program provides single-occupancy rooms (SOR) for 56 low-income men and women who have experienced homelessness, unemployment or substance abuse—the majority of the guests, however, are men.¹⁸³ Dominique had lived there for a year and a half when I interviewed him, and he was desperate to get out; he never intended for this to be his permanent housing. Despite the program being branded as offering independent living, Dominique thought he was lied to. He was constantly being watched and policed by the staff. In fact, at one point, he was accused of selling drugs in the building when he was seen getting money from one of the guests through the security cameras. This accusation ended up taking him to court and his case was still ongoing at the time we talked.

As expressed by Dominique in the quote above, it felt like his criminal record had stripped him from his right to live. This holds true for many of my interviewees. Their criminal record had subjected them to *social death* — a *secondary penalization* or form of punishment that extends beyond prison time.¹⁸⁴ In this chapter, I will explain how the experiences of my

¹⁸³ “Next Step Housing - St. Francis House,” St. Francis House Website, accessed December 17, 2018, <https://stfranchishouse.org/programs/next-step-housing/>.

¹⁸⁴ Loic Wacquant, *Punishing the Poor*, 229.

interviewees, particularly relating to their housing situation, fit within the narrative of social death defined as a permanent social condition that comprises three aspects: systemic violence, generalized humiliation, and natal alienation.¹⁸⁵ Moreover, this analysis is meant to explore how my interviewees' lived experiences fit into the larger phenomenon of social and economic dislocations produced by the rise of neoliberalism and the state's response to these dislocations.

Neoliberalism and Social Death

Neoliberalism, which is defined as "a body of ideas and practices that emphasizes individual responsibility and freedom (to choose); supports deregulation, privatization, and fiscal discipline and assumes that the more allocation done through markets rather than states, the better," has resulted in exploding rates of inequality, social insecurity, and the emergence of a punitive approach to social problems that afflict the poor and other dispossessed categories.¹⁸⁶ Within this system, the poor, the homeless, those struggling with drug addiction, and members of racial and ethnic minorities are considered morally deficient, as they fail to uphold neoliberal norms of self-sufficiency and "individual responsibility" in the face of social and economic precarity.¹⁸⁷ Along with these categories, we can also identify people convicted of sex offenses, who are represented as the "living embodiment of moral abjectness," hence justifying "the public culture of vilification of criminals" and, in turn, the expansion of the penal state.¹⁸⁸

These categories of people considered morally and socially deficient then are subjected to the corrective discipline of incarceration or other forms of punishment, such as probation or

¹⁸⁵ Joshua M. Price, *Prison and Social Death* (New Brunswick, New Jersey, and London: Rutgers University Press, 2015), 20.

¹⁸⁶ Robert Pollin, "What's Wrong with Neoliberalism?," *Real World Reader* 8 (2009), 202-203; Loic Wacquant, *Punishing the Poor: The Neoliberal Government of Social Insecurity* (Durham and London: Duke University press, 2009), 30.

¹⁸⁷ Wacquant, *Punishing the Poor: The Neoliberal Government of Social Insecurity*, 15-16.

¹⁸⁸ *Ibid.*, 221.

registry in the sex offender database. There is, however, a secondary dimension to the carceral or judge-sanctioned punishment that these people receive: collateral consequences that in many instances lead to *social death*. The three aspects of this permanent condition are often reinforced by the housing experiences of people with a criminal history.

In *Prison and Social Death*, Price derives the term “social death” from Orlando Patterson’s work on slavery. In his work, Patterson argued that “slaves were rendered noncitizens and social non-entities,” meaning that slaves were condemned to social death.¹⁸⁹ Price further expands on the meaning of this concept by noting that “social death goes beyond the legal realm.”¹⁹⁰ By the latter, Price means that social death is not simply a matter of losing the legal rights of a citizen, although the loss of rights or “civil death” is a symptom of social death.¹⁹¹ Ultimately, social death is a social condition that entails practices of contempt and dehumanization towards those who bear the social mark of an “ex-offender.”¹⁹²

For my analysis, I will use and expand on the three aspects of social death that Price proposes which are: systematic violence, generalized humiliating treatment, and natal alienation. I will do so because I believe the experiences of my interviewees related to their trying to find housing in Greater Boston can be best represented when explained within the parameters of each of these three aspects. For these purposes, I will mainly focus on the life stories of a few interviewees that can best provide a representation of how their experiences fit within the narrative of social death.

¹⁸⁹ Price, *Prison and Social Death*, 18.

¹⁹⁰ *Ibid.*, 18.

¹⁹¹ *Ibid.*

¹⁹² *Ibid.*

Systematic Violence

Violence is not limited to intentional physical abuse. It also manifests in the form of institutional structures that subject people to ill treatment. This kind of violence is known as structural violence. The term ‘structural violence’ was first introduced by Johan Galtung in 1969 as “the avoidable impairment of fundamental human needs or...the impairment of human life which lowers the actual degree to which someone is able to meet their needs below that which would otherwise be possible.”¹⁹³ In this context, according to Galtung, the definition of violence moves beyond the idea that there is a singular perpetrator or actor who intends to subject the violated to suffering.¹⁹⁴ Hence, Galtung was able to argue that institutionalized social structures can limit an individual’s or group’s potential or “optimal life expectancy.”¹⁹⁵ Based on this theory, I argue that access to safe and affordable housing is a fundamental human need, and the lack of access thereof is an avoidable impairment imposed by institutional structures, such as the carceral state and punitive welfare apparatus. In what follows, I discuss examples of the manifestation of structural violence in the lives of formerly incarcerated people through their subjection to unstable housing conditions after being released from incarceration.

Dominique, for instance, had stayed at two different homeless shelters before St. Francis House—Pine Street Inn and Long Island shelter in Boston—after his release from prison in 2008. As someone on the Massachusetts Sex Offender Registry and with an extensive criminal

¹⁹³ Pollin, “What’s Wrong with Neoliberalism?” 207; Susannah Taylor, “Structural Violence, Oppression, and the Place-Based Marginality of Homelessness” 30, no. 2 (2013), 257

¹⁹⁴ Taylor, 257.

¹⁹⁵ Pollin, “What’s Wrong,” 207.

record, he is denied access to most federal and state public and subsidized housing. His other option is the private housing market but with his sole source of income being Social Security Income (SSI),¹⁹⁶ he would not be able to afford a room in Greater Boston. Therefore, he now resides in St. Francis House, which is one the few human services providers that allows people convicted of sex offenses to use their full array of services such as clothing, medical, job readiness programs, and, most importantly, their single-occupancy room (SOR) housing.¹⁹⁷

Dominique grew up in Dorchester, which, as mentioned before, is one the neighborhoods in Boston with the highest rates of commitments and detention as well as a predominantly Black and Latinx population (60.4 percent of the population is either Black or Latinx).¹⁹⁸ From a young age, he was exposed to violence and neglect; at the age of 8, he was accused of attempted murder but was not sentenced to incarceration because he was too young. When he talked about neglect, in part he seemed to be talking about his parents—who, according to Dominique, never cared about his education—but also about the government’s neglect. “Being in the system” while growing up in the 1980s was not easy for him—his mother was on welfare, so neglect was very much related to being in poverty.

Dominique’s life story, incarceration, and post-release experience falls in line with what Wacquant called *the double regulation of the poor*. On the one hand, Dominique’s mother was regulated through welfare provision. On the other hand, the carceral apparatus disciplined the son of a working-class woman dependent on welfare through incarceration. In turn, incarceration

¹⁹⁶ The rate for a disabled individual in the category of “Living Arrangement A – Full Cost of Living” is \$878.82 a month. “2018 SSI Payment Levels in Massachusetts,” Mass Legal Services, 2018, <http://www.mass.gov/eohhs/consumer/basic-needs/financial/ssp.html>.

¹⁹⁷ SORB Report.

¹⁹⁸ Forman, van der Lugt, and Goldber, “The Geography of Incarceration: The Cost and Consequences of High Incarceration Rates in Vulnerable City Neighborhoods.”; “American Community Survey, 2007-2011: Dorchester, Neighborhood*.”

led to the imposition of social death for failing to uphold neoliberal norms of self-sufficiency and for his “moral deprivation” as someone convicted of a sex offense.¹⁹⁹ These are the institutionalized structures that led to his unstable housing situation.

Bennett, a 57-year-old white man, grew up in Brookline, MA in a working-class family. His father was a self-employed ironworker that worked as much as 80 hours a week to make ends meet, and his mother was a stay-at-home mom with multiple health issues. In school, Bennett performed poorly and was expelled from many academic institutions for fighting. At the age of 15, he murdered somebody and was charged as an adult with a life sentence, although at the time of his conviction in 1977 he was only 16 years old. In 1981, his sentence decision was reversed through an appeal and he was released. A year later the judge who reversed the decision died, so his decision was overturned, and Bennet had to return to prison. When he was in prison, he tried to keep himself busy by working in maintenance, such as replacing light fixtures and receptacle switchers, for as much as 80 hours a week—he got paid \$1.10 an hour. In 1993, he was put on pre-release status and got his first job at a McDonalds in South Station, Boston. The next year when he was working his second pre-release job at Nancy Sales Company in Chelsea, one of the people on pre-release employed there robbed the store. As a result, they took all the violent offenders off of pre-release status, and Bennett got a three-year setback in his sentence. “It [was] a political thing to send everybody back,” he commented. In the 1990s, when tough-on-crime laws were getting more stringent, a blanket punishment for violent offenders was indeed a political message about the “one strike and you’re out” approach promoted by Clinton that reverberated beyond the realm of public housing policies.

¹⁹⁹ Wacquant, *Punishing the Poor*, 15.

In November of 2007, Bennett got parole but he had to wait for over a year until there was an opening at the St. Francis Moving Ahead Program (MAP),²⁰⁰ where he could be housed temporarily until he found another housing arrangement.²⁰¹ During his time at MAP, he started applying for subsidized and public housing, such as Section 8, only to find out that he was ineligible because of the violent crime he was convicted for. He also tried to find a job, which could have helped him pay for housing in the private market if he could find someone willing to rent to him despite his criminal record. However, no one would hire him because he was considered a violent offender. Even though in 1993-1994 he was able to secure some jobs while being on pre-release status, by the time he got out on parole in 2008, CORI laws had gotten much stricter and the use of criminal records more widespread which made it impossible for him to find a job. He had hoped that the maintenance job skills he picked up during his incarceration time would help him land a better maintenance job upon his release, but his criminal record prevented him from getting on a path to “self-sufficiency.”

With few housing options left, Bennett decided to talk to the Program Director of Next Step Housing at St. Francis to see if they had any openings of SORs at the time. He was told he would have to wait for another month until there was a room available for him, so he did and eventually got into the program. During his time applying for housing, he was warned by his case manager at MAP that he would have to take whatever he could get. But because Bennett’s mental health issues were exacerbated during his time in prison for 30 years, he was worried about where he would end up because he “had to take whatever [he could] get.” At the end, he

²⁰⁰ This is a 14-week job- and life-skills training program for people who have experienced homelessness, mental illness, addiction, or incarceration. It also provides 16 weeks of sober housing. “Moving Ahead Program,” St. Francis House Website, accessed December 16, 2018, <https://stfranchishouse.org/programs/moving-ahead-program/>.

²⁰¹ People granted parole need to find housing first in order to be released.

was happy he ended up at St. Francis because at least there, he would not be isolated and ignored by his neighbors because he had a criminal record considering that many of the people who live there also have criminal histories. The latter speaks to the kind of isolation that many formerly incarcerated people are faced with upon their return to the free world after years of being secluded behind bars disconnected from systems of supports and vilified once they return to society. Even though Bennett managed to secure a single room occupancy through the St. Francis program, immediately after his release his housing search was filled with obstacles and limited options because of his long period of incarceration and his subsequent criminal record.

Bennett was very aware that people with criminal histories lacked the “deservingness” to access decent housing. He commented that he spent a lot of time “talking to college kids at the park,” who were making \$15 an hour and were struggling to find housing in Boston. “They’re struggling and you [are going to] put somebody in a \$5,000-a-month apartment paying [only] \$300 a month?”²⁰² To him, it seemed that the latter would not be fair to hard-working graduate students in the Greater Boston area who are also struggling to pay their bills despite their clean record and access to higher education. But what Bennett’s anecdote really points out to is the widespread economic insecurity that we live in which is, in part, fueled by stagnant wages. In this environment of social and economic precarity, who gets access to decent housing is a matter of competition over few affordable options—and in this race for resources, people with criminal histories are never given a fair chance at winning.

All of my interviewees had at some point lived or were living in a shelter in Greater Boston. Even though St. Francis provides permanent supportive housing, the staff there referred to the place as a homeless shelter, which may have to do with the fact that they also have a day

²⁰² With “paying \$300 a month,” he was referring to people on SSI who are on subsidized housing programs and have to pay 30 to 35% of their income towards rent.

shelter that serves 500 guests each day. However, there seems to be an expectation that even residents who are part of the permanent supportive housing will have to find some other type of housing arrangement in the future. In fact, the staff always referred to these residents as “guests,” which is usually the term used for people residing in a homeless shelter and, as such, are expected to leave eventually. Some of the people that I interviewed were, as a matter of fact, in the search for other type of program-based subsidized housing. Those of older age, such as Bennett and Jacob, who are between 57 and 71 years old, were concerned about the prospect of having to move out of St. Francis despite being reassured by the Program Director that they could stay there for as long as they wanted.

Taylor posits that homelessness is a question of marginality, place, and process. In other words, "homelessness is a place-based marginalization."²⁰³ As such, one way that marginality is often understood is "as a lack of adaptation by individuals to social structures" which renders them dysfunctional.²⁰⁴ This understanding of marginality is particularly fitting with the neoliberal logic of individual responsibility. Combined with the framework proposed by Wacquant, then, poor White people and racial minorities who have failed to adapt to neoliberalism thus become marginal and seen as fitting for incarceration and its collateral consequences.

Alternatively, we can see homelessness as a process of center-periphery positioning. Taylor argues that this is a process of structural violence, which is place-based in the sense that it is a question of center-periphery relationship, which means that it is a process whereby those who are marginal or "peripheral" remain in that position so that the powerful can remain in the

²⁰³ Taylor, 263.

²⁰⁴ Ibid.

center.²⁰⁵ In the case of formerly incarcerated people seeking to access safe and affordable housing, I contend that people with a criminal record are considered underserving and hence remain “peripheral,” so that those considered deserving can remain in the center and not be subject to marginality. As such, their homelessness is a byproduct of structural violence, which is one aspect of social death.

Humiliation

Along with structural violence, humiliation is another key component of social death. Price defines humiliation as “stripping people of dignity, honor, or pride, rendering helpless and making them the object of contempt.”²⁰⁶ In addition, Price contends that to be socially dead is not merely to be thrown out of society or to face indifference; for social death to work, the socially dead need to be demeaned and ridiculed. In line with being demeaned and ridiculed, one has to be put into “a lowly, debased, and powerless position by someone who has, at the moment, a greater power than oneself.”²⁰⁷ In the context of prisons and jails, Price argues, it is the state who has the power to humiliate through its agents, practices, and policies.²⁰⁸ The latter, I argue, also applies to the situation of formerly incarcerated people trying to secure housing post-release: it is the carceral dragnet and the punitive welfare apparatus embedded in the remaking of the neoliberal state which have the power to humiliate people with a criminal record.

Price bases his definition of humiliation on Avishai Margalit’s work in *The Decent Society*, where Margalit’s main argument is that a decent society’s institutions do not humiliate its people. Margalit defines humiliation as “any sort of behavior or condition that constitutes a

²⁰⁵ Ibid.

²⁰⁶ Price, 41.

²⁰⁷ Ibid.

²⁰⁸ Ibid.

sound reason for a person to consider [their] self-respect injured.”²⁰⁹ However, humiliation, according to Margalit, does not necessarily imply that the person who has a sound reason to feel humiliated actually feels that way.²¹⁰ In other words, we can describe a situation as humiliating even if the affected person does not feel humiliated as long as there is a *sound reason* for other parties to believe that that person is indeed being humiliated. However, Margalit adds, for a situation to be considered a sound reason to claim humiliation, the conditions of life pertaining to that particular situation can only be “the result of actions or omissions by human beings.”²¹¹ Hence, only humans can produce humiliation even though they might not actually have any humiliating intent.²¹² As such, both the carceral and punitive welfare systems as well as the institutions embedded within them are the result of human actions, which is to say that the conditions of life they create for formerly incarcerated people have the power to be humiliating.

A key assertion in Margalit’s work is that the violation of human rights, which are meant to protect human dignity equally for all people solely on the virtue of being human, is a form of humiliation.²¹³ Based on this claim, I argue that solely denying access to decent housing is a form of humiliation, which is compounded by the particular demeaning treatment they receive because of their criminal record. To make this argument, in what follows I will offer a brief analysis of particular experiences as related to looking for housing or residing in a particular place that can be considered humiliating.

Adam, a 49-year-old white man, grew up in a small suburban town in Southeastern Massachusetts in a lower-to-middle-class family. Before his incarceration, he rented an

²⁰⁹ Avishai Margalit, *The Decent Society* (Cambridge, Massachusetts: Harvard University Press, 1996), 9.

²¹⁰ Margalit, *The Decent Society*, 9.

²¹¹ *Ibid.*

²¹² *Ibid.*, 10.

²¹³ *Ibid.*, 39.

apartment in the outer part of Greater Boston with her now ex-wife. They decided to live farther from the city, where rent is more affordable, because they were trying to save money to eventually buy a house. By all standards, they had a relatively good life. But everything changed when Adam was convicted for sexual assault against children. He was sentenced to 8-10 years but ended up serving 12 years in total after being temporarily committed to the Massachusetts Treatment Center. Once he was deemed fit to return to society by specialists at the treatment center, he was released on probation for 10 years. At the time of our interview, he had just passed the sixth-year mark of his probation.

He talked extensively about his experience of being on probation as someone convicted of a sex offense. Probation, which ultimately determines one's freedom, can be an easy road or not depending on the probation officer (PO) one gets, he assured me. He explained to me that his probation does not determine where he can or cannot live. It is rather a decision taken by the PO as well as, of course, dependent on the restrictions of individual communities against people convicted of sex offenses. In his case, he considered himself very fortunate²¹⁴ to have a PO who is understanding of the housing situation for sex offenders and has encouraged him to get whatever he can get. The latter showcases that POs have significant discretion in determining the fate of many people who are released on probation.

Despite being fortunate for having an accommodating PO, Adam is still subjected to the strict address registration guidelines mandated by the Massachusetts Sex Offender Registry Board. He has to register a secondary address if he spends more than 14 days a month in a particular address like his parents' house. Furthermore, he has to register where he works or volunteers. If he were to be homeless, he would also have to register his homelessness. In fact,

²¹⁴ He acknowledged that for many people on probation that is not the case.

when looking at the Massachusetts Sex Offender Registry website, there is a total of 702 sex offenders registered in the city of Boston; 189 of those are marked as homeless, which roughly translates to 27 percent of the registered sex offender population in Boston being homeless.

If a sex offender is homeless, Adam noted, they have to register their status or any change of it every 30 days in person at the local police department office of the community where they live. Regardless of their housing situation, “[they] have to pay for the privilege of them posting [their] picture and whereabouts on the internet which means anybody can look it up and do whatever they want to do.” As a result, they are often subject to humiliating and demeaning treatment. But even if someone does not know that he is a registered sex offender, he tends to be upfront about it and disclose it considering that people will probably find out eventually anyways.

Finding housing, he explained, was especially difficult. Upon his release, he was also homeless for a while. As discussed earlier, people convicted for sex offenses are barred from public and subsidized housing, and he could not access the private housing market because he could also not find a job because of his record. When he finally did get a job, no one would take him as a tenant. “I have literally had a door slammed in my face. I have had people hang up on me,” he recalled about his experience looking for housing. This kind of demeaning treatment was also shared by other interviewees including those who are not registered as sex offenders. But when it comes to sex offenders, they are exposed to particularly humiliating treatment.

Adam recalled a case of not-in-my-backyard attitudes directed towards sex offenders who were living in a three-decker home in Dorchester. According to news articles covering the case, a neighbor noticed that there was a large number of men coming in and out of a white three-decker at 96 Milton Ave. For some reason (it is not explained in the news articles), this neighbor

decided to consult the state's Sex offender Registry Board and learned that a number of Level 2 (moderate-risk) and Level 3 (high risk) sex offenders were residing in that home. Dawn Barret, who was mother to 12-year-old and 5-year-old sons, after finding out that sex offenders were living in her neighborhood, immediately started contacting city officials and distributing flyers in the neighborhood to let other community members know. She explained that she was very concerned about the children in the neighborhood considering that there was bus stop right there, a day care, and playground that could entice the men residing in the three-decker to re-offend.²¹⁵

A few months before the case went public, the Boston's Inspectional Services Department (ISD) had also received a complaint from neighbors about a potential illegal lodging house about that home.²¹⁶ The only solution the neighbors wanted was the eviction of these sex offenders in the name of the neighborhood's safety despite the fact that pushing sex offenders towards homelessness actually puts them at a greater risk of recidivating.²¹⁷ Adam is in a similar situation. He also lives in a house with other sex offenders and one person convicted of manslaughter. He and his roommates fear that if people were to find out that most of the tenants in that house are sex offenders, they would also be put at risk of eviction by their neighbors. To this, Adam commented: "Well, if it's not on [your] backyard, then whose backyard is it going to be?"

²¹⁵ Bob Ward, "7 Sex Offenders Living in One Dorchester House," Boston 25 News, 2016, <https://www.boston25news.com/news/fox-25-investigates/7-sex-offenders-living-in-one-dorchester-house/459193171>.

²¹⁶ Ward, "7 Sex Offenders in One Dorchester House."

²¹⁷ Sex offenders also have one of the lowest recidivism rates—5.3% of sex offenders are re-arrested for another sex crime. In addition, perpetrators of sexual abuse often are people familiar to the victim, such as friends and relatives. Richard G. Wright, "Sex Offender Post-Incarceration Sanctions: Are There Any Limits?," *New England Journal on Criminal and Civil Confinement* 34 (2008); Patrick A. Langan, Erica Leah Schmitt, and Matthew R. Durose, "Recidivism of Sex Offenders Released from Prison in 1994," Bureau of Justice Statistics, 2003, <https://www.bjs.gov/index.cfm?ty=pbdetail&iid=1136>; "Final Report of the Special Commission to Reduce the Recidivism of Sex Offenders," 2016.

Aside from being subjected to demeaning treatment from landlords and neighbors, Adam commented that regardless of neighbors finding out, he still faces the risk of becoming homeless if his rent were to go up from \$700. It would be particularly difficult for him to find another person willing to rent to him because of his type of criminal history, which would probably result in a long period of homelessness. Being a rent increase away from becoming homeless is a situation that affects many people, but in the case of formerly incarcerated people like Adam, their housing options once they become homeless are ever more limited.

Dominique too had his fair share of demeaning treatment while living at St. Francis. As discussed before, he was taken to court for allegedly selling drugs inside the building. He thinks that taking him to court was just a “scare tactic” because they never showed him any evidence.

But I've already been through the scare—you can't scare me. I've been locked up already. You can't play that game with a person that has been incarcerated. You can't play games with that person and that's what I try to tell these people in this building, don't play with me. I'm not a kid. I'm 38 years old.

-Dominique

According to Margalit, the paternalism with which some people are treated pretending to speak in the name of an individual's true interests, can be especially humiliating since people are being treated as immature.²¹⁸ Dominique's experience at St. Francis reflects a case such as the one discussed by Margalit. At St. Francis, Dominique feels like he is always being ordered about and watched like he was a child that requires discipline. To this, Dominique adds, “if I'm paying rent it shouldn't be a problem; if my rent's on time, it shouldn't be a problem. As long as I, you know, follow the rules and regulations around here, then why are you watching me?”

In short, in many occasions my interviewees were treated in a demeaning way because of the social mark of their criminal record. Often these humiliating experiences had to do with some

²¹⁸ Margalit, 16.

aspect of housing as showed by the examples discussed before. As such, it becomes evident that the housing situation of formerly incarcerated people often adds to the humiliating aspect of social death.

Natal Alienation

The third and last aspect of social death is natal alienation, which is a phenomenon that often takes place specifically because of the way people with a criminal record are denied access to housing. Price describes natal alienation as a “severance from ancestors and children.”²¹⁹ In other words, natal alienation is a “structural condition and institutional arrangement” that results in the separation of currently and formerly incarcerated people from their families.²²⁰ This arrangement has consequences for both formerly incarcerated people and their kin and community, who are consequently isolated from the person behind bars or person with a criminal record.²²¹ Formerly incarcerated people, for example, cannot live with their families either in public or subsidized housing, and often private housing as well because of regulations that prevent them from being added to the lease because of their criminal record. As a result, formerly incarcerated people confront isolation, which further exposes them to vulnerability as they are separated from their communities of support.²²²

Price connects the practice of natal alienation to slavery. At the core of this practice, Price argues, is the fact that relatives cannot aid each other. Similarly, during slavery times, slaves were meant to witness the suffering of a relative without having the ability to intervene because of their social status as a slave.²²³ In the case of formerly incarcerated people, natal

²¹⁹ Price, 5.

²²⁰ Price, 24.

²²¹ *Ibid.*, 25.

²²² *Ibid.*, 29.

²²³ *Ibid.*, 25.

alienation captures the state of helplessness that relatives feel when witnessing the harm being done to their family members.²²⁴ This structural condition is imposed especially on those who reside in federally subsidized and public housing, who upon the return of their relatives from prison cannot house them because of federal and state regulations.

As described in the introduction of this thesis, Radley, is one formerly incarcerated person who is subjected to natal alienation. He is prevented from living with his dying mother who has cancer because she is on Section 8 in New Hampshire. Since Radley has violent offenses and other crimes on his record, he cannot be added to the lease of his mother and now lives at a homeless shelter. Another example is Dominique, who also cannot live with his mother, although she is not on Section 8, because his mother's private landlord could run a background check on him and deny him the possibility of being added to the lease. In addition, his mother lives in a one bedroom, which means that there is not enough room for Dominique to live there anyways.

In the case of Adam, when he got out of prison his father picked him up and then had to drop him at a homeless shelter. Although Adam's parents were there for him throughout his incarceration, they decided to not take him in after he was released, perhaps because of the shame that would bring upon them. Plus, when sex offenders move into a certain neighborhood, the community tends to get notified. All these factors make very difficult for Adam to live with his parents even though they were and continue to be his major source of support. Now Adam is thinking about moving out of Massachusetts once he finishes his probation. He thinks maybe that will allow him to get a new start. He, however, has his doubts about this plan because moving

²²⁴ *Ibid.*, 37.

away would mean not seeing his family anymore. Because of his criminal records he has to endure separation from his family.

Sandy is 63-year-old black woman who was sent to prison for six months after violating her probation time for getting a dirty urine test. Before she got incarcerated, she was on Section 8—expectedly, she lost it when she was imprisoned and was never able to recover it after she was released. While she was in prison, her three children were put in foster care, which she described as a traumatic experience for her kids. After she was released from prison, similar to the rest of my interviewees, she could not find housing, which meant she could not get her children back from the foster care system. It took her two years of doing multiple sober living programs and getting into a housing program for women in her situation to get her children back. In this case, natal alienation prevented a woman of color from raising her children because of her incarceration and her inability to find housing post-release. Not surprisingly, natal alienation disproportionately affects women of color.²²⁵

Weston, who is a 56-year-old white man living at the River House homeless shelter in Beverly also wishes he could get housing to get to see more of his kids. He talks to his children on the phone, but he does not know where they are because his ex-wife will not tell him. When asked about how he feels about not having secure housing, he answered:

Pretty bad. If I had housing I'd probably see my kids more, my two youngest, I got a 10 and 11 [year old], you know, and I would love to see them more, coming over, you know- baking with me, like I always did when I was with them before—we always did baking together. Yeah, I would love that...to have a place of my own.

The housing experiences resulting from having a criminal record discussed above are examples of how natal alienation manifests in the lives of formerly incarcerated people. In most

²²⁵ Price, 33.

cases not having access to safe and affordable housing because of a criminal history results in the separation of individuals with criminal records from their families. In the face of natal alienation, both formerly incarcerated people as well as their relatives are unable to change their situations because of federal and state regulations and exclusionary practices from the private market.

Solidarity among Formerly Incarcerated People

Returning to the free world after months or years of being disconnected from systems of support can be a very isolating experience, especially when there is little to no social safety net at all for formerly incarcerated people. As discussed in this chapter, people with a criminal record face a lot of rejection when looking for housing. So how then some of my interviewees found permanent or temporary housing outside of a homeless shelter? Some of them depended on the solidarity of other formerly incarcerated people who understand how incredibly difficult it is find housing with a criminal history. For example, Adam is able to room with other people because they too have criminal histories. Far from being passive subjects with no power to challenge their housing situation, they develop connections with others who have had similar experiences to find support and eventually find stable housing.

There are multiple non-profit organizations led by formerly incarcerated people that seek to support those recently released from prison. One of these organizations is the Boston Network Release, whose primary goal is “to improve public safety by assisting those formerly incarcerated for a sexual offense.”²²⁶ In the face of little resources available for those convicted of sex offenses, this group seeks to assist this returning population with finding housing and employment to avoid recidivism, which is common sense that seems to escape most policy-makers. This organization has been very successful in aiding people charged with sex offenses

²²⁶ “About Boston Release Network,” Boston Release Network Website, accessed January 15, 2019, <https://bostonreleasenetwork.org/>.

because as the testimony of a trial attorney says on the organization’s website, “having support from the right people—the ones who really understand what [they’ll] be facing—is critical to success in the community.”²²⁷ Another interviewee, who had the opportunity to participate in a peer-mentor support program that was run by SPAN Inc.,²²⁸ also commented on how incredibly useful it is to have peers who are also formerly incarcerated support you in the reintegration process.

Conclusion

In this chapter, I presented the main analysis of my interviews by discussing how the housing experiences of my interviewees fit within the parameters of three aspects of social death. At the beginning, I provided an analysis of how social death as a permanent condition that affects formerly incarcerated people is reproduced within a neoliberal system that puts emphasis on self-sufficiency and individual responsibility. Throughout my discussion of the aspects of social death, I also tried to highlight how the reinforcement of these components is very much tied to the growth of the carceral dragnet, the mechanisms of the punitive welfare system, and the rise of social and economic insecurity. For the systematic violence aspect of social death, I argued that structural violence in the lives of my interviewees takes the form of homelessness. In the humiliation section, I focused on the demeaning experiences related to housing that formerly incarcerated people are subjected to. Lastly, for the natal alienation aspect I discussed how housing conditions such as homelessness and housing instability have led to the separation of my interviewees from their families.

²²⁷ “Testimonials,” Boston Release Network Website, accessed January 15, 2019, <https://bostonreleasenetwork.org/index.php/testimonials/>.

²²⁸ This non-profit, which was dedicated to assist those who were or have been in prison through direct services, closed in 2017 according to one of my interviewees who benefited from their services because of lack of funds.

Conclusion

In this tight housing market, many of us struggle to find housing we can afford. As a college student about to graduate, I am starting to think about finding affordable housing post-graduation in Massachusetts. So, I have decided to peruse websites that offer advice on how to rent an apartment without a credit history. There are some options available. I could look for an owner-rented property, I could get a co-signer, I could offer to pay in advance, or I could take on a roommate that has a better credit history. Presumably, I will have a job secured by the time I start to seriously look for housing; however, I still need to have a hefty amount of money available before I get my first paycheck to be able to pay for the expenses that come with moving into a new place. This situation made me think about the topic of this thesis. Perhaps the only comparable point of my housing search situation with that of some formerly incarcerated people is that both of us have no credit history. But the rest of my housing search situation is abysmally different from those with a criminal record. The advice offered online would not be considerable options for many formerly incarcerated people. While as a 22-year-old fresh out of college I might have a difficult time finding housing in some big metropolitan areas, many formerly incarcerated people in big metropolitan areas like Greater Boston end up homeless. This thesis helps to put into perspective the experiences discussed above, and provides answers to questions such as: why do formerly incarcerated people in Greater Boston struggle to find housing more than the rest of us? And how do punitive policies influence their experiences? But more questions remain to be answered that this thesis did not address. For instance, this thesis did not look at the unique housing experiences of LGBTQ people. Focusing on the housing experiences of formerly incarcerated LGBTQ people could be an interesting direction for future research, considering that LGBTQ youth face higher rates of both homelessness and incarceration.

The goal of this thesis was to elucidate the housing challenges formerly incarcerated people face upon their return to the free world by fitting their experiences into the larger context of historical and political developments that gave rise to mass incarceration using Greater Boston as a case study. To do so, in Chapter One I discussed and analyzed the existing theoretical literature on the rise of mass incarceration. I proposed there are two mainstream explanations about the origins of mass incarceration. One theoretical framework sees the rise of mass incarceration as a violent legacy of slavery because of the way the penal system disproportionately targets black people. I discounted the latter framework on the basis that it proves to be inadequate to explain and analyze the experiences of a majority white incarcerated population. Another theoretical framework connects the origins of mass incarceration to the vast profit-making behind prisons that incentivizes the push for harsher punitive policies that can deliver the inmate supply to fill prisons. I rejected the prison-industrial-complex theory on the basis that prison profit-making came to be as a result of mass incarceration, and not as the *cause* of it. In this manner, I offered Loic Wacquant's work on the restructuring of the neoliberal state, which brought about mass incarceration through penal expansion as a response to welfare retrenchment, as an alternative framework to analyze different policy changes. In this chapter, I also offered a brief overview of academic research on the correlation between homelessness/housing insecurity and incarceration in order to establish what we already know on this topic and what I hoped to contribute to the existing body of knowledge.

In Chapter Two, I laid out how welfare retrenchment works in conjunction with the expansion of the carceral state. To make this point, I presented evidence first by discussing a key congress bill that culminated with the apex of welfare reform; based on this background, I suggested what changes were seen at the state level in Massachusetts as a result of this bill.

Along with a review of welfare policy changes, I included an explanation about the double regulation of the poor through welfare provision and incarceration. In this explanation, I emphasized the centering of individual responsibility to guarantee that one has access to the limited social rights offered by the semi- or liberal welfare state. Next, I provided a brief review of four key federal acts that resulted in the ability of PHAs to deny housing based on a criminal history. Having these federal legislations as background, I explained how Massachusetts establishes how private landlords and public housing authorities have access to a criminal record through the CORI system. Lastly, I discussed how even though we see a wave of criminal justice reform in Massachusetts, these reforms, in part, are still based on the foundation of punitive policies that deny social rights to the criminalized “other.”

In Chapter Three, I presented the main analysis of my interviews by discussing how the housing experiences of my interviewees fit within the parameters of three aspects of social death. At the beginning, I provided an analysis of how social death as a permanent condition that affects formerly incarcerated people is reproduced within a neoliberal system that puts emphasis on self-sufficiency, individual responsibility, and privatization. Throughout my discussion of the aspects of social death, I also tried to highlight how the reinforcement of these components is very much tied to the growth of the carceral dragnet, the mechanisms of the punitive welfare system, and the rise of social and economic insecurity. For the systematic violence aspect of social death, I argued that structural violence in the lives of my interviewees takes the form of homelessness. In the humiliation section, I focused on the demeaning experiences related to housing that formerly incarcerated people are subjected to. Lastly, for the natal alienation aspect, I discussed how housing conditions such as homelessness and housing instability have led to the separation of my interviewees from their families.

The three chapters of this thesis serve as evidence and explanation of why housing is hard to find for formerly incarcerated people, despite the fact that time and again research has shown access to stable housing is vital for successful reentry. While incarcerated, people behind bars are socially dead to most on the outside. Once released, they remain socially dead in part because they cannot find housing. Punishment is far from over once they leave prison. Consequently, the U.S. has an extremely high recidivism rate.²²⁹ Every year we are releasing about 650,000 people and setting them up for failure. If we are to ever stop the cycles of reincarceration, we must provide returning citizens with housing first.

This thesis also serves as a testament to the importance of addressing the homelessness crisis holistically. We must address the little-discussed housing crisis that virtually anyone who has had contact with the court system faces because of their criminal record. One way to tackle this problem and make safe and affordable housing available to formerly incarcerated people is through policy-making and city- or state-level initiatives. Below, I offer some recommendations:

- Promote family reunification in public housing. As discussed before, many people returning from prison face natal alienation because they cannot return to their families living in public housing. In 2013, the New York City Housing Authority (NYCHA) launched a successful initiative, the *Family Reentry Pilot Program*, to tackle this issue. The program was open to 150 formerly incarcerated people of which 85 people participated in the program. The NYCHA partnered with community-based organizations (including partnering agencies such as the New York City Department of Correction) to get referrals for potential participants. Partnering agencies assessed applicants and their likelihood of success in FRPP based on attendance of a job training or a treatment

²²⁹ Within five years of release, 76.6 percent of released prisoners are rearrested. "Recidivism," National Institute of Justice, 2014, <https://www.nij.gov/topics/corrections/recidivism/pages/welcome.aspx>.

program, employment, or a good disciplinary record while incarcerated. Once the NYCHA reviewed the application and accepted the participant, the participant had access to a case manager that developed an action plan and provided them with constant support, and they were allowed to return to their families in public housing. Of the 85 accepted participants, 41 found and maintained employment, 11 attended employment training and workshops, 12 were attending school, and 15 were in substance-use treatment programs. This pilot program was based on NYCHA's pre-existing temporary permission to join a household policy for up to a year, with the program extending this temporary permission to two years. Public housing authorities in Massachusetts would benefit from emulating this program.²³⁰

- Develop a re-entry housing plan to avoid releasing people into homeless shelters. There is already a bill called "An Act to Facilitate Re-entry" (H.1518) filed for the 2019-2020 legislative session in Massachusetts. This act requires different executive offices and state departments to develop an action plan to avoid the discharge of individuals from incarceration into homelessness or emergency shelters. The action plan will also seek to identify and resolve barriers to comprehensive institutional discharge planning and community-based services. To this plan, I would add emphasizing community-based organizations to run re-entry programs. One of my interviewees, Luke, who is now an advocate for prison reform, commented that he highly benefited from the programs offered at SPAN Inc., a nonprofit which is now closed because of lack of funding. Luke insisted that the Department of Corrections (DOC), specifically, should not run re-entry

²³⁰ John Bae et al., "Coming Home: An Evaluation of the New York City Housing Authority's Family Reentry Pilot Program," 2016, https://storage.googleapis.com/vera-web-assets/downloads/Publications/coming-home-nycha-family-reentry-pilot-program-evaluation/legacy_downloads/NYCHA_report-032917.pdf.

programs. In his own words, “if you give the state \$100,000, they’ll do \$100 worth of work; but if you give a nonprofit \$100,000, they’re going to do a \$1 million worth of work.” With this comment, he also highlighted that nonprofits are usually staffed with social justice-oriented people that care about a cause, as opposed to the DOC that really does not care about incarcerated people.

- Provide incentives for landlords on the private market to rent to people with criminal records. There is already a pilot program in place in the city of Boston. This program is called the *Landlord Guarantee Pilot Program*, and it provides resources and financial help to small landlords renting to homeless households. In the first two years of tenancy, a reimbursement up to \$10,000 is offered to landlords to cover any potential losses. The renters receive case management and ongoing support for successful tenancy. Similarly, landlords also receive support through a Landlord Partner who provides coaching, training, and professional referrals. This program requires landlords to reduce screening criteria while also offering them support. There are no estimates on the success rate of this program yet. However, a program with these features expanded to the state level, catered specifically to formerly incarcerated people, has the potential of having a big impact. For this program to be successful in providing housing options for people with a criminal record, it should be paired with access to housing voucher programs, such as the Massachusetts Rental Voucher Program (MRVP). This way, formerly incarcerated people can afford housing available in the private market. This would also mean increasing funding for programs such as the MRVP.²³¹

²³¹ “Landlord Guarantee Pilot Program,” accessed March 29, 2019, <https://www.boston.gov/landlord-guarantee-pilot-program>.

While we should not lose focus of the goal of reducing the number of people we incarcerate as a way to directly raze the carceral state, addressing the far-reaching consequences of punishment beyond prison is also a critical step to dismantle the prison state. One of the far-reaching consequences of mass incarceration is the permanent marginalization or social death of an increasing portion of the population, more and more regardless of race. This thesis begins to elucidate the magnitude of the problem we face with prisoners often returning to homelessness. Implementing the above recommendations could be the first steps towards mitigating some aspects of social death as it relates to housing.

Bibliography

- “2018 SSI Payment Levels in Massachusetts.” Mass Legal Services, 2018.
<http://www.mass.gov/eohhs/consumer/basic-needs/financial/ssp.html>.
- “About Boston Release Network.” Boston Release Network Website. Accessed January 15, 2019. <https://bostonreleasenetwork.org/>.
- Alexander, Michelle. *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*. New York: New Press, 2012.
- “American Community Survey, 2007-2011: Dorchester, Neighborhood*.” Boston: Boston Redevelopment Authority, 2013.
- Bae, John, Margaret Dizerega, Jacob Kang-Brown, Ryan Shanahan, and Ram Subramanian. “Coming Home: An Evaluation of the New York City Housing Authority’s Family Reentry Pilot Program,” 2016. https://storage.googleapis.com/vera-web-assets/downloads/Publications/coming-home-nycha-family-reentry-pilot-program-evaluation/legacy_downloads/NYCHA_report-032917.pdf.
- Baker, Patricia, and Victoria Negus. “What If I Have a Criminal Record or DTA Says I Am a ‘Fleeing Felon’?” Mass Legal Help, 2018. <https://www.masslegalhelp.org/income-benefits/food-stamps/advocacy-guide/part2/q46-criminal-record-or-fleeing-felon>.
- Balint, Nadia. “High-End Apartments Are 87% of Rentals Built in 2018.” Rent Cafe Blog, 2018. <https://www.rentcafe.com/blog/rental-market/luxury-apartments/8-out-of-10-new-apartment-buildings-were-high-end-in-2017-trend-carries-on-into-2018/>.
- Brooks, Lisa E, Amy L. Solomon, Sinead Keegan, Rhiana Kohl, and Lori Lahue. “Prisoner Reentry in Massachusetts.” Washington, D.C.: Urban Institute, 2005.
- Brown, Steve. “7 Key Provisions Of The Criminal Justice Bill.” WBUR News, 2018. <https://www.wbur.org/news/2018/04/06/criminal-justice-reform-bill-key-provisions>.
- “Comprehensive Housing Market Analysis of Boston, Massachusetts.” Washington, D.C.: U.S. Department of Housing and Urban Development, 2016.
- Davis, Angela Y., and Cassandra Shaylor. “Race, Gender, and the Prison Industrial Complex: California and Beyond.” *Meridians* 2, no. 1 (2001).
- Duke, Annette. “Applying for Housing.” Mass Legal Help, 2012. <https://www.masslegalhelp.org/cori/housing/apply-for-housing>.
- “Final Report of the Special Commission to Reduce the Recidivism of Sex Offenders,” 2016.
- Forman, Benjamin, Laura van der Lugt, and Ben Goldber. “The Geography of Incarceration: The Cost and Consequences of High Incarceration Rates in Vulnerable City Neighborhoods.” Boston, Massachusetts: BostonIndicators Project; MassINC; Massachusetts Criminal Justice Reform Coalition, 2016. <http://massinc.org/wp-content/uploads/2016/11/The-Geography-of-Incarceration.pdf>.
- Goodman, Michael D. “Winners and Losers in the Massachusetts Housing Market: Recent Changes in Housing Demand, Supply, and Affordability.” Boston, Massachusetts, 2004.
- “Governor of Massachusetts.” Ballotpedia. Accessed December 5, 2018. https://ballotpedia.org/Governor_of_Massachusetts.
- “Guide to Criminal Records in Employment and Housing.” Mass.gov. Accessed December 5, 2018. <https://www.mass.gov/guides/guide-to-criminal-records-in-employment-and-housing#housing>.
- Harvey, David. *A Brief History of Neoliberalism*. Oxford, New York: Oxford University Press,

- 2005.
- Holcomb, Pamela, Kathryn Schlichter, Stefanie R Schmidt, Gina Adams, and Jacob Leos-Urbel. “Recent Changes in Massachusetts Welfare and Work, Child Care, and Child Welfare Systems.” *The Urban Institute*. Washington, D.C.: The Urban Institute, 2001.
- “HOME Investment Partnerships Program.” U.S. Department of Housing and Urban Development. Accessed December 5, 2018.
https://www.hud.gov/program_offices/comm_planning/affordablehousing/programs/home/.
- Hunt, Louise, Mary Schulhof, and Stephen Holmquist. “Summary of the Quality Housing and Work Responsibility Act of 1998 (Title V of PL 105-276).” 1998, no. December 1998 (1998). https://portal.hud.gov/hudportal/documents/huddoc?id=DOC_8927.pdf.
- Jackson, Osborne, Riley Sullivan, and Bo Zhao. “Reintegrating the Ex-Offender Population in the U.S. Labor Market: Lessons from the CORI Reform in Massachusetts.” New England Public Policy Center, 2017.
- Kilgore, James. “Mass Incarceration: Examining and Moving Beyond the New Jim Crow.” *Critical Sociology* 41, no. 2 (2015).
- “Know Your CORI Rights: Sealing and Expungement of Criminal Record Information (CORI).” Boston: Greater Boston Legal Services, 2018.
- Ladipo, David. “The Rise of America’s Prison Industrial Complex.” *New Left Review*, no. 7 (2001).
- “Landlord Guarantee Pilot Program.” Accessed March 29, 2019.
<https://www.boston.gov/landlord-guarantee-pilot-program>.
- Lang, Kevin. “Welfare Reform.” In *Poverty and Discrimination*, 243–61. Princeton, N.J.: Princeton University Press, 2007. <https://doi.org/10.1007/s11255-012-0374-y>.
- Langan, Patrick A., Erica Leah Schmitt, and Matthew R. Durose. “Recidivism of Sex Offenders Released from Prison in 1994.” Bureau of Justice Statistics, 2003.
<https://www.bjs.gov/index.cfm?ty=pbdetail&iid=1136>.
- Margalit, Avishai. *The Decent Society*. Cambridge, Massachusetts: Harvard University Press, 1996.
- “Massachusetts Department of Correction: Prison Population Trends 2013.” Massachusetts, Boston: Massachusetts Department of Correction, 2014.
- Mauer, Marc, and Meda Chesney-Lind, eds. *Invisible Punishment: The Collateral Consequences of Mass Imprisonment*. New York: The New York Press, n.d.
- Mayer, Margit. “Punishing the Poor - A Debate.” *Theoretical Criminology* 14, no. 1 (2010).
- “Meeting the Challenge: Public Housing Authorities Respond to the One Strike and You’re Out Initiative.” U.S. Department of Housing and Urban Development, 1997.
<https://www.ncjrs.gov/pdffiles1/Photocopy/183952NCJRS.pdf>.
- Mishel, Lawrence, Elise Gould, and Josh Bivens. “Wage Stagnation in Nine Charts.” Washington, D.C.: Economic Policy Institute, 2015. <https://termadiary.org/wp-content/uploads/2017/05/wage-stagnation-in-nine-charts.pdf>.
- “Moving Ahead Program.” St. Francis House Website. Accessed December 16, 2018.
<https://stfrancishouse.org/programs/moving-ahead-program/>.
- “Next Step Housing - St. Francis House.” St. Francis House Website. Accessed December 17, 2018. <https://stfrancishouse.org/programs/next-step-housing/>.
- “No Second Chance: People With Criminal Records Denied Access to Public Housing.” Washington, D.C.: Human Rights Watch, 2004.
- “Out of Reach: The High Cost of Housing.” Washington, D.C.: National Low Income Housing

- Coalition, 2018.
- Pollin, Robert. "What's Wrong with Neoliberalism?" *Real World Reader* 8 (2009): 17–22.
- Pratt, John. "The International Diffusion of Punitive Penalty: Or, Penal Exceptionalism in the United States? Wacquant v Whitman." *Australian and New Zealand Journal of Criminology* 44, no. 1 (2011).
- "President Clinton's 1996 State of the Union Address as Delivered." Clinton White House Archives. Accessed December 5, 2018.
<https://clintonwhitehouse4.archives.gov/WH/New/other/sotu.html>.
- Price, Joshua M. *Prison and Social Death*. New Brunswick, New Jersey, and London: Rutgers University Press, 2015.
- "Recidivism." National Institute of Justice, 2014.
<https://www.nij.gov/topics/corrections/recidivism/pages/welcome.aspx>.
- Schoenberg, Shira. "Gov. Charlie Baker Signs Landmark Massachusetts Criminal Justice Overhaul, despite Concerns." *MassLive.com*, 2018.
https://www.masslive.com/politics/index.ssf/2018/04/gov_charlie_baker_signs_landma.html.
- Schuster, Luc, and Peter Ciurczak. "Boston's Booming...But for Whom? Building Shared Prosperity in a Time of Growth." Boston, Massachusetts: Boston Indicators, 2018.
- Silva, Lahny R. "Criminal Histories in Public Housing." *Wisconsin Law Review*, no. 375 (2015): 375–97.
- Taylor, Susannah. "Structural Violence, Oppression, and the Place-Based Marginality of Homelessness" 30, no. 2 (2013): 255–73.
- "Testimonials." Boston Release Network Website. Accessed January 15, 2019.
<https://bostonreleasenetwork.org/index.php/testimonials/>.
- Thompson, Jemery. "Education and State Economic Strength: A Snapshot of Current Data." *MassBudget*, 2017. http://massbudget.org/report_window.php?loc=Education-and-State-Economic-Strenth-A-Snapshot-of-Current-Data.html.
- Wacquant, Loic. "Class, Race & Hyperincarceration in Revanchist America." *Daedalus* 139, no. 3 (2010): 74–90.
- . *Punishing the Poor: The Neoliberal Government of Social Insecurity*. Durham and London: Duke University press, 2009.
- Wacquant, Loïc. "Crafting the Neoliberal State: Workfare, Prisonfare and Social Insecurity." *Sociological Forum* 25, no. 2 (2010). <https://doi.org/10.1017/CBO9781139344258.006>.
- . "The Wedding of Workfare and Prisonfare in the 21st Century: Responses to Critics and Commentators." In *Criminalisation and Advanced Marginality: Critically Exploring the Work of Loic Wacquant*, edited by Peter Squires and John Lea. Bristol, UK; Chicago, IL: Policy Press, 2012.
- Wagner, Peter, and Wendy Sawyer. "Mass Incarceration: The Whole Pie 2018 | Prison Policy Initiative." Prison Policy Initiative, 2018.
<https://www.prisonpolicy.org/reports/pie2018.html>.
- . "States of Incarceration: The Global Context 2018." Prison Policy Initiative, 2018.
<https://www.prisonpolicy.org/global/2018.html>.
- Ward, Bob. "7 Sex Offenders Living in One Dorchester House." *Boston 25 News*, 2016.
<https://www.boston25news.com/news/fox-25-investigates/7-sex-offenders-living-in-one-dorchester-house/459193171>.
- "What Is CORI?" *Mass Legal Help*, 2015. <https://www.masslegalhelp.org/cori/what-is-it>.

Wright, Richard G. "Sex Offender Post-Incarceration Sanctions: Are There Any Limits?" *New England Journal on Criminal and Civil Confinement* 34 (2008).

Appendix

Demographics of Interviewees

Of those whose interviews were analyzed,²³² 92.8% of participants identified as male and 78.57% identified as only white, which is representative of the prison population in Massachusetts that tends to be predominantly white and male.²³³ 7.14% of my interviewees identified as American Indian or Alaska Native; and another 14.29% identified as African American. For ethnicity, only 7.14% identified as Hispanic or Latino; 57.14% identified as non-Hispanic or Latino; and 35.71% did not choose either option for which they are categorized as “unassigned.” In terms of age, the majority, 35.71%, of interviewees fell in the age range of 55-64 years old; the range with the smallest percentage was the range age of 65-74 years old with only 7.14%. In regard to income sources, the majority, 42.86%, marked “full-time job” as their source of income; 35.71% chose “Social Security/Disability payments;” 7.14% selected “part-time job and/or temporary job;” 7.14% selected money from family or friends; and lastly, 7.14% selected “none.” When asked about the length of the last sentence served, they reported serving 1 to 2 years. However, a big portion of them had served multiple sentences. At least three of them are in the Massachusetts Sex Offender Registry.

²³² This excludes data on the person who did not return his informed consent form.

²³³ Lisa E. Brooks et al., “Prisoner Reentry in Massachusetts” (Washington, D.C., 2005).