

Increasing Housing Access for People on the Sex Offense Registry in California

Background

California Penal Code 290 – also known as the “Sex Offender Registration Act” – requires people convicted of any one of over 100 criminalized acts to periodically register their whereabouts with local law enforcement. People who are unsheltered must register at least every 30 days or face severe penalties.

The California Department of Justice Megan’s Law website publicly posts the name, address, conviction history, and appearance of many people on the registry.¹ Additionally, people required to register often have community supervision terms that restrict their access to the internet, certain locations, and certain jobs. **These restrictions – and others – can make it difficult for registrants to find safe and stable housing.**

As a result, people subject to registry requirements are at high risk of long-term, chronic homelessness, and often comprise some of the most vulnerable members of our community. Recognizing the challenges of housing access for people on the registry, this document identifies strategies that housing and homelessness system partners can use to help people with registry requirements prevent or exit homelessness.

Opportunities for the Homeless System of Care

Early Identification. Continuums of Care (CoCs) and other homelessness system stakeholders should **work with criminal legal system partners** (such as jail and prison leadership, and parole or probation officers) to identify people required to register who will be homeless or are at risk of homelessness upon release. Discharge planning efforts should be coordinated between the individual in custody, community housing and service providers, custodial partners, and community supervision. Coordinated entry and other system assessments should be offered as appropriate.

Anticipating Reentry Housing Gaps. Some post-release supervision programs offer short-term housing assistance, but these are time-limited. Homelessness system partners and providers can help identify longer-term housing options that people required to register can connect to after short-term programs end. CoCs can also help educate correctional partners about eligibility considerations for housing programs that may be impacted by placement in certain types of short-term housing.

Eliminating Barriers. Lastly, partners in the homelessness system of care can ensure that system and program level policies and procedures do not create additional or unlawful barriers to housing access for people required to register. **In California, the Fair Employment and Housing Act prohibits housing programs from denying assistance because someone is on the sex offense registry, except under very limited circumstances.**²

Additionally, HUD strongly encourages federally funded programs to adopt Housing First practices and remove barriers to receiving assistance, including consideration of criminal histories. Programs following a Housing First model should not exclude or deprioritize households on the basis of criminal history.³

¹ More information is available at https://www.meganslaw.ca.gov/mobile/SexOffenders_SummaryOfLaw.aspx

² California Code of Regulations, Title 2, §§ 12264-12271; https://www.dfeh.ca.gov/wp-content/uploads/sites/32/2020/04/FairHousingCriminalHistoryFAQ_ENG.pdf

³ <https://www.hudexchange.info/homelessness-assistance/coc-esg-virtual-binders/coc-esg-additional-requirements/fair-housing-and-equal-access/criminal-history/>; https://www.hud.gov/sites/documents/HUD_OGCGUIDAPPFHASTANDCR.PDF.

Since people remain on the registry for significant periods of time, their housing access can be severely limited for years or even decades. Housing and homelessness system partners play an important role in creating pathways to long-term, safe and stable housing for registrants through educating providers about appropriate and inappropriate uses of criminal history information, including sex-offense convictions, and ensuring system-wide compliance.

Provider Strategies

Build Your Client’s “Team.” No one will be able to express your client’s needs better than your client. Connecting with the following people to create a collaborative “team,” however, can help you further identify and meet your client’s housing needs:

Their parole or probation officer can

- Give you the facts about your client’s specific housing restrictions. Each individual has different terms of their release. Some are stricter than others. Do not make assumptions about where they can or cannot live without official confirmation.
- Inform you about any rehabilitation programs your client is enrolled in or has completed that could help them overcome housing barriers (e.g., certificates, letters of recommendation, etc.)

Legal Services attorneys can often help clients address related legal concerns such as housing discrimination, employment discrimination, benefits denials, immigration issues, family law issues, and criminal records expungement.

Other service providers, such as counselors, teachers, or healthcare providers, can assist with developing a plan to help your client overcome barriers to housing and employment. Providers – especially those who worked with your client while they were incarcerated – can also offer valuable insight into your client’s needs.

Social supports, such as family, friends, peer support groups, and clergy, can help brainstorm housing solutions or present opportunities for shared housing or subletting. They can also help serve as points of contact with a client who lacks a phone, internet access, or a temporary address.

Understand Relevant Laws. There is no need to be a legal expert, but it is important to know your client’s basic rights when it comes to housing and related issues, such as whether they can relocate out of county or state. Organizations such as [Root and Rebound](#) have helpful guides and primers on some of the California state laws that impact people required to register.

The Fair Employment and Housing Act (FEHA) is one law that all providers need to be aware of, as it governs how most private landlords, shelters, and permanent housing programs (including those offering subsidies) can use criminal background information to make decisions about whether to house or assist someone, including people required to register.⁴ For more information and resources on FEHA compliance, contact Homebase or the [California Department of Fair Employment and Housing](#).

Consider All Possible Resources. Thoroughly assess your client for any special services or resources that they might be eligible for. Your client on the registry may also be a veteran, a survivor of domestic violence, or fall into another category for which special funding or organizations exist.

⁴ California Code of Regulations, Title 2, §§ 12264-12271.

Use Information on the Registry. The Megan’s Law website maps the addresses of people required to register, therefore showing where these folks have found housing. This information can be used by providers to identify landlords or management companies that are open to housing their clients.⁵

Help Clients Reframe Their Stories. If you think that a landlord is going to learn about your client’s record, it’s a good idea to help your client plan how to talk about their conviction in a candid way that also shifts the focus to their strengths and rehabilitative efforts. Letters of recommendation or support from former landlords, former neighbors, employers, teachers, counselors, and other community members can provide important supporting evidence. Certificates showing program completion are also useful.



⁵ **Do not ask clients themselves to access the Megan’s Law website.** Persons who are on the registry who access the Megan’s Law website may be punished by fine, imprisonment, or both. See California Penal Code § 290.46(k).