

TO: Governor J.B. Pritzker
Lieutenant Governor Juliana Stratton
Senator Elgie R. Sims, Chairperson, Criminal Law Committee
Representative Justin Slaughter, Chairperson, Judiciary-Criminal Committee

RE: Emergency Response to Incarceration and Homelessness

Thank you for your rigorous implementation of best practices in public health, epidemiology, and medicine in response to the COVID-19 pandemic. We are grateful to your administration for your tireless advocacy on behalf of all Illinoisans.

Today we are writing to ask that you adopt two modest proposals to address the problems caused by Illinois *residency restrictions*, which force thousands of Illinoisans—**very disproportionately Black men**—into lifelong *homelessness and re-incarceration*. These restrictions *sabotage re-entry* by keeping 1 in 26 Illinois prisoners imprisoned past their release dates, and they permanently structurally exclude people with past convictions from housing.

Recommendation 1. Grant the Illinois Department of Corrections the discretion to modify residency restrictions for people incarcerated past their release dates while they are on Mandatory Supervised Release.

Recommendation 2. Provide state law enforcement agencies discretion to suspend the enforcement of residency restrictions during the pandemic.

Last year, an alliance of criminal justice, housing, and victim advocates came together to reform residency restrictions for people with past sex offense convictions, recognizing that they *do not improve public safety*, and instead cause immense and preventable harm.

In the midst of a global pandemic, that damage is multiplied. These restrictions, which have produced a permanent Black underclass, now also endanger community health, particularly in **African-American neighborhoods already coping with the highest rates of homelessness, incarceration, prison returns, and COVID deaths**.

Below, we detail the impact of these sweeping laws and outline two no-cost proposals to open up housing for hundreds of people who are currently incarcerated or homeless. Thank you for your ongoing efforts to address historic and current racism in both housing and the criminal legal system.

IMPACT OF ILLINOIS RESIDENCY RESTRICTIONS

1. Alarming numbers of Illinoisans are listed on public conviction registries and subject to residency restrictions—disproportionately Black men.

- One in every 212 men in Illinois is listed on the sex offense registry.
- **One in every 84 Black men** in Illinois is listed on the sex offense registry.¹
- One in every 145 men in Illinois is listed on a public conviction registry.²
- **One in every 42 Black men** in Illinois is listed on a public conviction registry.³

2. Illinois residency restrictions banish thousands of people from most housing in cities or towns, especially in poor communities.

- People subject to these laws are barred from living a city block and a half around property lines of schools, parks, playgrounds, daycares, and other **regularly-spaced** institutions.
- Taken together, the invisible and overlapping 500-foot restrictions block most housing options in non-rural areas.⁴ (See the [map](#) of Chicago housing banishment).⁵
- Because subsidies for providing home daycare are so common in low-income communities, neighborhoods with affordable housing are most likely to be prohibited.⁶

3. Illinois has created a **permanent underclass** of Black men who are homeless and must **register weekly**.

- **1 in 5 people** listed on the sex offense registry in Chicago is homeless.
- **80% of those homeless are Black men** who stay on the west and south sides of Chicago.⁷
- Because they are homeless, they are required to **re-register each week** with local law enforcement.
- Weekly registration curtails job options and forces people to miss work, so housing becomes even more unattainable.⁸

4. Illinois residency restrictions keep 1,400 people imprisoned **past their release dates**—a number equivalent to the **population of an entire prison**.

- 1,100 people remain incarcerated **past their release dates because they lack housing for MSR**, a problem caused by residency restrictions.⁹ (Note that nearly 1/3 of this group is imprisoned for a failure-to-report offense, which itself usually **stems from lack of housing**.)¹⁰
- Because they don't have homes, Illinois forces them to spend their entire community supervision term inside prison. Then, after that term ends, they are **released to homelessness**.
- 300 additional people remain imprisoned **past the end of their full sentence**. Illinois is under a permanent federal injunction to find them housing and release them by 2021.¹¹
- Inflating the prison population endangers prisoners and staff. The close proximity in cells and housing units does not allow for safe physical distancing inside Illinois prisons.¹²

5. Illinois residency restrictions force hundreds of people into homelessness.

- There are currently **559 Chicagoans who are homeless and listed on the sex offense registry**, which means it is illegal for them to stay or "double-up" at any address that is not registrable.
- To put this number in context, there are approximately **1,260 people total who are unsheltered and homeless in Chicago**, as estimated by point-in-time surveys.¹³

6. Illinois residency restrictions lead to arrests for hyper-technicalities that stem from lack of housing.

- Along with registries, residency restrictions result in **ongoing negative police attention** for life.
- People can be charged with "failure to comply" for staying at any address that is not legal, "doubling up" with friends or family, or missing weekly registration for any reason.
- People subject to residency restrictions are excluded from shelters.¹⁴ They may be forced to choose between sleeping indoors illegally—or jeopardizing their health and safety by staying outdoors.¹⁵
- Most Chicagoans registering as homeless have already served one or more **new prison sentences** for failure to comply. Most also spent extra years in prison due to their lack of housing.¹⁶
- "Failure to register" violations are not related to crime recidivism yet consume substantial police and prison resources.¹⁷

7. Illinois residency restrictions **force even people with safe and stable housing available** into homelessness and extended incarceration.

- The majority of people who are homeless or incarcerated due to residency restrictions **already have or had secure housing options** where they would be welcome to live were it not for these policies—including homes of family members and apartments they could lease.
- But someone can have five homes available—or 55—and **still be homeless** due to residency restrictions¹⁸.

8. If someone is living in legal housing, it may suddenly become "illegal"—ensuring lifelong housing instability.

- The housing banishment zones created by residency restrictions are constantly shifting, **forcing people to move within 30 days even if they own or lease their homes**.¹⁹
- Such evictions are common in poor communities, where households receiving daycare subsidies from IDHS are ubiquitous and new people sign up all the time.
- These restrictions last for life, even if someone is no longer required to be listed on the registry.²⁰

9. Barring people from housing worsens life outcomes for their families and children.

- Most people with convictions **are parents**, and these laws hinder their efforts to support their children.
- When a parent is forced into homelessness, their **whole family is destabilized** or fractured. Children either lose a parent in the home or become homeless with the parent.²¹
- Targeting people with past convictions for **negative police attention** compounds the harm of system involvement and passes it down to the next generation.
- In contrast, Housing First and supportive service models strengthen families and communities impacted by both crime and incarceration.²²

10. Residency restrictions have been fully discredited, which is why many states don't have them at all.

- Residency restrictions have been carefully evaluated.²³ They provide no public safety benefit.²⁴ In fact, **they likely harm public safety**.²⁵ Crime is not prevented by barring people from housing.²⁶
- There are *many pathways* that lead to child abuse, sexual harm, and desensitization to violence.²⁷ Effective primary and secondary prevention²⁸ targets the social determinants of abuse and violence by addressing and meeting the needs of those *at risk of being harmed or causing harm*.
- The vast **majority of people on registries are past the “redemption point”**—their probability of re-offense is unremarkable and no greater than it would be for anyone with *any* criminal record.²⁹
- The public deserves proven policies³⁰ to prevent community and interpersonal violence, **not misinformation**³¹ and gimmicks.

STRATEGIES TO DRASTICALLY REDUCE INCARCERATION AND HOMELESSNESS BY ALLOWING PEOPLE TO LIVE IN AVAILABLE HOUSING

Recommendation 1:

Grant the Illinois Department of Corrections the discretion to modify 500-foot residency restrictions for people incarcerated past their release dates while they are still on Mandatory Supervised Release.

Impact: Safely release some 1,000 people without reducing sentences or changing release dates.

- IDOC already has *full discretion over and fully vets every “host site” placement* for someone on MSR supervision. However, most available housing has to be rejected *only due to residency restrictions*.
- IDOC parole officers can carefully vet and select safe and appropriate housing. Parole officers would be available to talk to neighbors.
- Currently some 1,100 of the people currently imprisoned past their release dates will spend **their entire period of community supervision in prison**, an additional 1-3 years.
- This reform would allow people to *serve their supervised release*. And because they would be outside prison, it would give them more time to seek housing and *try to prevent their own certain homelessness* once supervision is completed.
- This program would immediately address the terms of the permanent federal injunction re *Murphy et al, v. Raoul et al*, Case #16-cv-11471 (U.S.D.C., Northern District of Illinois, Eastern Division) (Kendall, J.) to release 300 people incarcerated past their outdates by January 2, 2021. The federal injunction specifies that the State identify alternatives to imprisonment, including legislative changes, that will “most easily and economically fulfill the State's constitutional obligations.”
- Reducing prison populations will reduce morbidity and mortality of staff and incarcerated people who have unavoidable and prolonged contact in closed facilities that lack windows, ventilation, space for physical distancing, and adequate PPE.

Recommendation 2:

Provide state law enforcement agencies discretion to suspend the enforcement of 500-foot residency restrictions during the pandemic and let people stay in housing available to them.

Impact: Swiftly reduce the number of people who are homeless by 300-400 at no cost and without allocating additional resources.

- Cited by the Sex Offense Litigation and Policy Resource Center, Mitchell Hamline School of Law, as a strategy to reduce COVID-19 exposure.³²
- People who are homeless have multiple, intersecting risk factors for COVID exposure.
- Some 80% are Black men who stay in communities with escalated rates of COVID illness and death.
- Legally, they may stay indoors during the day taking care of their kids or parents—or family members with COVID—but they must spend the night elsewhere or face arrest for “failure to report.”
- Shelters won’t accept people on registries, largely due to residency restrictions. Police tell them to sleep in trains, airports, emergency rooms, and cars.
- Without housing, they travel back and forth *from various homes into public spaces*, which endangers their families and community health.
- Most people could easily be housed **if their existing housing options were not illegal**. Many people even help their families pay rent. Others couch surf among a variety of residences.
- Public health mandates *staying at home*. Utilizing their available housing should not be a crime.

SIGNED

ILLINOIS ORGANIZATIONS

Chicago 400
Chicago 400 Alliance
Chicago Alliance Against Sexual Exploitation (CAASE)
Institute on Public Safety & Social Justice, Adler University
John Howard Association of Illinois
Kolbe House Jail Ministry
Treatment Alternatives for Safe Communities (TASC)
Access Living
AirGo
Apparatus Projects
Association for Individual Development
Believers Bailout
Black and Pink Chicago
Business and Professional People for the Public Interest (BPI)
Cabrini Green Legal Aid
Chicago Alliance Against Racist and Political Repression (CAARPR)
Chicago Community Bond Fund
Chicago Urban League
Chicago Votes
Circles and Ciphers
Clergy for a New Drug Policy
Coalition Legal, LLC
Coalition to Reduce Recidivism
Community Justice for Youth Institute
Community Renewal Society
Deep Time Chicago
Equity and Transformation (EAT)
Education Justice Project
Firebird Community Arts
FirstFollowers Reentry Program
Hooligan Magazine

Housing Action Illinois
Housing Opportunities and Maintenance for the Elderly (H.O.M.E.)
Illinois Coalition for Higher Education in Prisons (IL-CHEP)
Illinois Prison Project
Illinois Voices
Jewish Council on Urban Affairs (JCUA)
League of Women Voters of Illinois
#LetUsBreathe Collective
Love & Protect
Mansfield Institute for Social Justice, Roosevelt University
Metropolitan Planning Council
National Alliance for the Empowerment of the Formerly Incarcerated (NAEFI)
Northwestern University Community for Human Rights
ONE Northside
Parole Illinois
Policing in Chicago Research Group
Precious Blood Ministry of Reconciliation
Restore Justice Illinois
Safer Foundation
Shriver Center on Poverty Law
Smart Decarceration Project
Stateville Speaks
Supportive Housing Providers Association
Target Area Development Corp.
Theford Garber Law
Transforming Reentry Services/MWIPM
Trilogy Behavioral Healthcare
Unitarian Universalist Prison Ministry of Illinois
University of Illinois at Chicago MFA Class of 2021
UIC John Marshall Law School Fair Housing Legal Support Center

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*Individuals are signing in their [individual](#) capacity, not on behalf of their organization. Organizations are listed for identification purposes only.

ORGANIZATIONS OUTSIDE ILLINOIS

A Blade of Grass
California Coalition for Women Prisoners
The Center for Artistic Activism
Colorado CURE
Crucible 21 Ministries
International CURE
National Center for Reason and Justice
Nebraskans Unafraid
Texas Voices
Twin Cities Nonviolent Movement
Virginia CURE
VOTE-NOLA (Voice of the Experienced)

ENDNOTES

1. See notes on [methodology](#). The rates of Illinois men on registries were calculated in order to provide a snapshot of how many men already entangled in the criminal legal system end up listed on registries and subject to housing banishment laws after their punishment is complete. However, the [rates of incarcerated women](#) are increasing faster than men. And like men, women on registries and their dependents struggle to obtain housing and employment when subject to registry and banishment laws.

2. Public conviction registries are laws *requiring police to routinely collect personal data and photographs from people on the basis of their criminal conviction and publish these materials on public internet databases*. Illinois has statewide public conviction registries for murder, violent offenses against youth, methamphetamine manufacturing, and sex offenses. There is also a non-public arson registry. Chicago has a gun conviction registry. Each registry has its own complex reporting requirements. Failure to follow registry procedures or update information is a felony offense. These figures refer to the state's largest public conviction registries combined, as explained in more detail in the [methodology](#).

3. The period of hyper-incarceration starting in the mid-1970s is well-established, with a sharp vertical growth in the number of people incarcerated peaking at some 2.3 million people in U.S. prisons and jails. But the horizontal expansion of the criminal legal system is even more extensive, with approximately 3.7 million on probation and 840,000 people on parole supervision, with prolonged periods of supervised release. See: Wendy Sawyer & Peter Wagner, *Mass Incarceration: The Whole Pie 2020*, Prison Policy Initiative (Mar 24, 2020).

Just as remarkable, and documented here, are the increased scope and reach of police contact mandated by state law long after people have completed punishment. Illinois public conviction registries and housing and public space banishment laws require police contact for decades or life after probation, parole, or prison terms are served. The number of people listed on these registries across the United States is 900,000 and growing, which brings the number of people under the control of law enforcement, outside of prison, to over five million. See: Steven Yoder, "[Why Sex Offender Registries Keep Growing even as Sexual Violence Rates Fall](#)," *The Appeal* (Jul 3, 2018). The rates for all men on registries in Illinois are alarmingly high, and even more so for Black men, especially considering that most people have *lifetime registration*. Racial disparities here and throughout the criminal legal system represent the end point of many other processes with disproportionate racial outcomes, multiplied through every step of the system.

Poverty and underemployment already independently predict incarceration rates, and when combined with the specific conditions of structural inequity and discrimination faced by poor Black urban communities—including a legacy of racial segregation, redlining, economic divestment by both government and private industry, retrenchment in social welfare and educational spending, racial profiling, heightened police presence, and ongoing exposure to trauma, victimization and incarceration. People from neighborhoods hardest hit by the withdrawal of legitimate labor markets and systemic police surveillance, targeting, control, and abuse are most likely to end up in prison. For more detail, see: Marie Gottschalk, *Caught: The Prison State and the Lockdown of American Politics*, Princeton University Press (2015): 85; Loïc Wacquant, "[Class, Race & Hyperincarceration in Revanchist America](#)," *Daedalus* 139-3 (2010): 74; and Thomas Shelby, Elizabeth Hinton, and Khalil Gibran Muhammad, *Race and Power in America*, C-SPAN Panel (Oct 17, 2016). Although there is no publicly available data on socioeconomic status for people on Illinois registries, or the proxy of educational attainment, the vast majority of people who are homeless in Chicago and listed on registries are Black men staying in neighborhoods on the west and south sides with high unemployment rates and low median incomes. For more detail see: Adam Looney & Nicholas Turner, *Work and opportunity before and after incarceration*, The Brookings Institution (Mar 2018). Jessica Reichert, *Concentrations of incarceration: Consequences of communities with high prison admissions and returns*. Illinois Criminal Justice Information Authority (Dec 2019).

4. This section refers to 720 ILCS 5/11-9.3 (b-5) (b-10), which establish 500-foot restrictions around schools, playgrounds, childcare or daycare providers of any kind (including households receiving subsidies for license-exempt daycare services), and facilities with programs or services exclusively for persons under 18. The 500-foot restrictions around parks are not mentioned in this section of the statute. However, they are referenced as residency restrictions elsewhere in the statute, listed on Illinois State Police forms, and enforced by police when investigating the legality of a fixed residence. These laws apply to any person with any past conviction for nearly any sex offense against persons under 18. Grandfather clauses are included for people who purchased their homes before each of the individual restrictions were passed by legislators in 2000, 2006, and 2008. The cumulative effect of these laws, passed one at a time, has been to banish people from housing in the vast majority of neighborhoods in any city or town in Illinois.

5. Another law renders illegal most of the housing not already prohibited by the sweep of the 500-foot restrictions. The “one-per-complex” condition for parole or Mandatory Supervised Release (MSR) (730 ILCS 5/3-3-7, 730 ILCS 5/3-2.5-95) prohibits someone on parole or MSR with any sex offense conviction to reside in the same apartment or condominium or housing complex with anyone else with a past sex offense conviction (even if they are not on MSR). Because the rates of people subject to residency restrictions are so high, a crowding occurs in the few narrow triangles of residential property not affected by residency restrictions. Therefore, the one-per-complex law contributes to the backlog of 1,200-1,700 people stuck in Illinois Department of Corrections (IDOC) custody past their release dates. Note: there is also a statutory prohibition on a person residing within 500 feet of any victim of their offense, which is unrelated to these sweeping bans and would remain in place.

6. The Illinois Child Care Assistance Program (CCAP) administered by the Illinois Department of Human Services allows license-exempt family homes to receive subsidies for part or fulltime licensed or license-exempt in-home childcare services provided by parents, relatives, or other providers. The income limit for home daycare subsidies is 200% of the federal poverty level, well below Chicago’s median household income. Each time IDHS accepts a new provider for CCAP, a banishment zone is created that spans more than a city block diameter from that address. As noted above, people with convictions are very likely to have been poor and unemployed at the time of conviction. They are likely to seek housing in the same lower-than-median-income neighborhoods where people are likely to receive CCAP subsidies.

Moreover, because these subsidies are not for businesses there are no signs to indicate the presence of a “daycare” at the address. While seeking housing, people have *no way of finding the entities they are supposed to be avoiding*. There also appears to be no way for law enforcement to know. Police or parole agents may be required *to go door-to-door and ask about daycare subsidies* before authorizing an address.

For this reason, the process of looking for housing becomes impossibly frustrating for anyone. A related problem is that many schools and daycare centers are *closed*, yet 500 feet around these locations is counted as illegal by law enforcement. The same is true with people who have daycare licenses but are not operating a daycare.

7. See notes on methodology.

8. The Chicago 400 are the people who are on public conviction registries and homeless, and who therefore must register weekly at Chicago Police Headquarters. Most served their probation, prison, or parole years or even decades ago. For the past two years, they have been advocating for themselves and their families. They are seeking a chance to find and maintain stable housing and employment, and to protect themselves and their family members from the stress and precarity caused by these laws. Here are a few examples of the employment problems faced by Chicago 400 due to state laws:

- People sit in “the bullpen” for hours, arriving when it opens at 6:00am and staying as late as 2:00pm. There is no bathroom or electrical outlet. When they go out to smoke, they are sometimes told they must move two blocks away in order not to be arrested for being near a school. (Carlos, Stan)
- Many men sleep overnight in their cars outside the police station. For example, after Anthony registers, he must rush to get his warehouse job in a suburb by 10:00am. Since he sometimes completes registration between 11:00am and 2:00pm, he is often late to his job, which has an unforgiving “point system.”
- A number of people sleep at the train station overnight every Thursday so they can line up early at police on Friday. They also need to be first to register to get to their jobs in time. (Ron, Jeff, Matt)
- Ben got a promising job with good hours at a construction company that would train him on the job for a career. But the work hours required him to attend work every weekday. He could not accept the job and instead now works at McDonald’s.
- Zakiyyah had a job as an electrician, working for her brother, who supports her and wanted to keep her as an employee. But even he had to let her go because she missed a day of work each week to register.
- After struggling with unemployment, Ernest finally got a job with the Safer Foundation cleaning up the neighborhoods. However, he missed his first day of work because he didn’t get out of registration until after 10:30am. It was too late for him to catch the work van to the site.
- People who miss registering one week, or any other reporting requirement, or fail to pay the \$100 yearly fee, can be given a new felony and/or another whole *decade* of registration time. Even when hospitalized, they are labeled non-compliant and sometimes extended ten years. (Alfred, Sandra)

9. For at least the past 12 years, the IDOC has kept 1,200-1,700 people past their release dates, mainly because residency restrictions so greatly curtail the possibility of any individual, family, or state agency finding legal housing for a host site. People stuck in prison past their release dates have historically been called “door violators” or “gate violators” because when they are in route from their cell to be released from prison, they are stopped at the gate, given an MSR violation for “insufficient housing” and reprocessed as prisoners—all simply due to lack of housing. The most current estimate provided by the IDOC was 1,400 at the June 18, 2020 quarterly meeting of the Housing Re-Entry Task Force convened by the Illinois Justice Project.

10. The IDOC provided the [Chicago 400 Alliance](#) with a four-month survey of “door violators.” Of this sample, one-third of the people incarcerated had a “failure to comply” with registry requirements as their holding offense.

11. Most of the 1,200-1,700 people incarcerated past their release dates will exhaust their term of Mandatory Supervised Release (MSR) inside prison. Once they “max out,” they no longer need a host site and can be released to homelessness.

Some 300 of these people have already completed their full sentence: they are *past their maximum outdates*. But, because they have statutory MSR requirements of three years to life, they are obligated to serve MSR. However, they cannot start MSR until they find legal housing for a host site, so they are kept in prison. Since they can’t find housing, they end up serving “dead time.” Dead time is prison time past the completion of their full sentence that does not count toward their MSR, as it does for people with determinate MSR periods.

As a result, Illinois is under [permanent federal injunction](#) (re *Murphy et al., v. Raoul et al.*, Case #16-cv-11471 (U.S.D.C., Northern District of Illinois, Eastern Division) (Kendall, J.) to ensure that no person incarcerated past their outdate will remain imprisoned past January 2, 2021. However, this is not simple. The state has to make some housing legal in order to place people there. The federal injunction specifies that the State identify alternatives to imprisonment, including legislative changes, that will “most easily and economically fulfill the State’s constitutional obligations.” The judge in this case already waived the “one-per-complex” residency restriction, in response to a temporary restraining order on behalf of some 16 people due to the dangers of keeping them incarcerated under COVID for a law that has no public safety rationale.

12. See: Aleks Kajstura & Jenny Landon, “[Since you asked: Is social distancing possible behind bars?](#)” Prison Policy Initiative, Apr 3, 2020; and Governor JB Pritzker, [Executive Order 2020-11](#), COVID-19 Executive Order No. 9 (Mar 23, 2020), which states that the vast majority of men and women in Illinois prisons, “because of their close proximity and contact with each other in housing units and other areas of the facilities, are especially vulnerable to contracting and spreading COVID-19...” See also: Brendan Saloner et al., “[COVID-19 Cases and Deaths in Federal and State Prisons](#),” *Journal of the American Medical Association*, Research Letter, published online Jul 8, 2020.

13. Point-in-time surveys indicate that 1,260 people are unsheltered and homeless in Chicago. See: Nathalie P. Voorhees Center for Neighborhood & Community Improvement, “[City of Chicago 2019 Homeless Point-in-Time Count & Survey Report](#),” University of Illinois at Chicago (2019) 4; and Jill Levenson, “[Hidden challenges: Sex offenders legislated into homelessness](#),” *Journal of Social Work*. 18-3 (2016): 348-363.

14. Shawn M. Rolfe et al., “[Homeless Shelters’ Policies on Sex Offenders: Is This Another Collateral Consequence?](#)” *International Journal of Offender Therapy and Comparative Criminology*, 61-16 (2017): 1833–1849.

15. Illinois registry and residency laws conflict with the need to seek shelter and personal safety, and this makes them difficult to comply with. They are also vague, contradictory, and demanding, which is especially a problem for people who are homeless because they must figure out where to stay.

It is not clear what it means *to reside* and it is not specified *where it is legal* for a homeless person to reside. For example, a person knows they can’t register an address in a banishment zone. But if they don’t have a legal address for registration, where can they *actually spend the night*? Many people want to know where they can sleep in their car or a tent. Do they have to find land *outside* a banishment zone to stay on? Technically, this is not possible since many of the entities they have to avoid are invisible (e.g., homes with daycare subsidies or homes with daycare licenses).

The other issue is that residency restriction laws do not prohibit a person from *being present in a home or define what hours they may or may not be present*. But it is a felony to reside at an “unregistered” address and many people are sent to prison for doing so, so the line seems to be drawn at spending the night there. (However, the law appears to allow them to stay two nights per calendar year. See below.)

Additionally, any and all places where someone resides for an aggregate period of *three or more days* during any calendar year *must be registered with police* as a residence or temporary domicile. Such an address cannot be registered if it is blocked by residency restrictions. Yet if a person stays somewhere just *one or two days per calendar year*, they would be able to stay somewhere inside a banishment zone. Thus, someone who registers as homeless could stay indoors within banishment zones *as long as they find 180 unique places to stay per year*.

Many people in this situation stay on the red and blue CTA train lines because they run 24 hours. But they are not able to list this as their residence or temporary domicile; if they could, they would not have to register weekly.

16. The numbers of people who have no legal fixed residence and are therefore registering as homeless were analyzed using descriptive statistics. A majority already had one or more felonies for failure to comply with some aspect of residency or registry policies. Per endnote 11, a full one-third of people incarcerated past their release dates are serving time for a “failure-to-register” conviction.

17. See: Scott Walfield, et al., "[Law Enforcement Views on Sex Offender Compliance with Registration Mandates](#)," *American Journal of Criminal Justice*, 42 (2017):1-26; and Jill Levenson et al., "[Failure to Register: An Empirical Analysis of Sex Offense Recidivism](#)," in fulfillment of a grant from the National Institute of Justice (2009).

18. Here are few examples of the housing problems faced by Chicago 400:

- In the 12 years since Anthony's probation, he was forced out of his home three times due to these laws, and two times while his wife was pregnant, and with small children. He and his wife separated so that their children would not experience the negativity and instability of being displaced. Anthony remains a great father, but his six kids can no longer live with him because he has been homeless since last losing his home.
- Robert, a father of three, works driving a delivery truck. His hours were cut as a result of the COVID crisis, but he still managed to pay rent to support his two young children and their mother, who contracted COVID. He takes care of her, helps the kids with their homework, puts them to bed, and then sleeps under a bridge or on the CTA. Because their home is two blocks from a daycare center, he cannot reside there.
- Carl was at a barbershop when he was the random victim of a drive-by shooting. He needed rehab to learn to breathe and walk again. Schwab Medical Center would not take him, apparently because of residency restrictions, *because he had a past conviction* in Florida years ago. His mother struggled to find somewhere else for him to go. After that, he still needed care but could not live with his wife and young son or his mother because of residency restrictions. Update: Carl died in February.
- Michael and his wife lived with their young son in a large home, where they both worked. Michael had a tattoo business. When a home daycare opened up, Michael's family had to relocate in a banishment zone. He cannot live with his family, including his new baby son, but he is there before 6:00am to get his older son dressed and take him to school. On the days he registers, he cannot wait at the police station and get his child to elementary school. If he cannot find another relative to take him, his son misses school.

19. If a person is living in an established residence that suddenly becomes illegal, Chicago probation officers allow them one hour to move. For those not on probation or parole, the Chicago Police Department grants a courtesy of 30 days. Because most non-rural housing falls in a banishment zone, many people lose the opportunity to remain in their homes the moment they are convicted. If they are sentenced to probation, they must move immediately. [Incidentally, per state law, they also immediately have their license revoked upon conviction, which makes it difficult to drive to seek new housing. It also means they have to immediately obtain a new license or state ID in order to register, but that isn't possible without an address.] If they serve time in prison, they will need to find a new home upon return. If they do not have a new legal address, they must serve extra time in prison to exhaust their Mandatory Supervised Release, which cannot be served without legal housing for a host site.

20. Housing banishment laws are for life and are not connected to the duty to register.

21. See: Brian Elderbroom et al., *Every Second: The Impact of the Incarceration Crisis on America's Families*, FWD.us (Dec 2018). See also: Jill Levenson & Richard Tewksbury, "[Collateral Damage: Family Members of Registered Sex Offenders](#)," *American Journal of Criminal Justice*, 34-1-2 (Jan 2009): 54-68.

22. See: National Alliance to End Homelessness, "[What Housing First Really Means](#)," NAEH website, retrieved Mar 18, 2019: "A Housing First system orientation recognizes that people experiencing homelessness—like all people—need the safety and stability of a home in order to best address challenges and pursue opportunities." Also see: Dept. of Housing and Urban Development. "[Housing First in Permanent Supportive Housing Brief](#)," Resource 3892 (Jul 2014).

23. Residency restrictions are not recommended by federal agencies and are not included in the federal Sex Offender Registration and Notification Act (SORN). Government agencies tasked with evaluating these policies, including the federal SMART office, suggest that residency restrictions may backfire and diminish public safety: “[T]he evidence is fairly clear that residence restrictions are not effective. In fact, the research suggests that residence restrictions may actually increase offender risk by undermining offender stability and the ability of the offender to obtain housing, work, and family support. There is nothing to suggest this policy should be used at this time.” See: Christopher Lobanov-Rostovsky, “[Adult Sex Offender Management](#),” *Sex Offender Management Assessment and Planning Initiative Research Brief*, U.S. Department of Justice Office of Justice Programs, Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (Jul 2015): 4.

The use of residency restrictions is opposed by the Association for the Treatment of Sexual Abusers (ATSA), the professional organization for researchers and treatment providers in this field. See: “[Fast Facts about Laws Requiring Sex Offender Registration and Residence Restrictions](#),” Sex Offender Registries and Residence Restrictions, ATSA website, retrieved Jul 1, 2020; and Association for the Treatment of Sexual Abusers, “[Sexual Offender Residence Restrictions](#),” ATSA Executive Board of Directors (Aug 3, 2014). Also see: Kansas Department of Corrections, <https://www.doc.ks.gov/publications/CFS/sex-offender-housing-restrictions>, retrieved Jul 1, 2020.

State agencies designated to evaluate sex offense policies, such as professional management boards, repeatedly discourage the use of residency restrictions, based on their own studies or research reviews, and encourage states and localities not to adopt them. California’s Sex Offender Management Board [has repeatedly discouraged them](#). The Colorado Sex Offender Management Board has also repeatedly advised against residency restrictions and instead promoted the public safety benefit of “stable housing or living accommodations; secure employment; positive support systems; and adequate financial resources”—protective factors that are decimated by lifelong registry and banishment laws. For a summary, see: Colorado Sex Offender Management Board, “[White Paper on Adult Sex Offender Housing](#),” Colorado Department of Public Safety Division of Criminal Justice (Nov 18, 2011).

In Illinois, the Task Force charged with looking at registry requirements concluded: “Research has found that residency restrictions lead neither to reductions in sexual crime nor recidivism. However, registration and restrictions can prevent people convicted of sex offending from engaging in pro-social activities, such as work, that guard against reoffending.” See: “[Sex Offenses & Sex Offender Registration Task Force Final Report](#),” Illinois Criminal Justice Information Authority (Jan 2, 2018).

24. Scholars and criminal justice agencies over the past two decades have designed research to test the efficacy of residency restrictions and consistently found that they fail to improve public safety—and likely diminish it. Studies have analyzed results before and after implementation of laws, compared cohorts of people who offend and don’t offend, and examined the role of proximity to schools and daycares in the commission of crimes. The Minnesota Department of Corrections, for example, analyzed the context and locations of sex offense convictions over a 12-year period and found *zero* cases in which residency restrictions would have even been relevant to new crimes, much less prevented them. This study evaluated exclusion zones as vast as 5,820 feet and saw no benefit; by comparison, Illinois restrictions are 500 feet. These results point to one fundamental flaw in any residency restriction and registry laws: the supermajority of arrests or convictions (98% in this study) are of people *without a past sex offense conviction* and are therefore *not on registries*. Of the remaining 2%, only *two instances even involved restricted locations*, but they were more than ten miles from the residence of the abuser. The Department concluded: “...it is unlikely that residency restrictions would have a deterrent effect because the types of offenses such a law are designed to prevent are exceptionally rare and, in the case of Minnesota, virtually non-existent over the last 16 years.” See: Minnesota Department of Corrections, [Residential Proximity & Sex Offense Recidivism in Minnesota](#) (Apr 2007). For state studies in Florida, Colorado, New York, New Jersey, and Missouri, see: Matt R. Nobles, et al., “[Effectiveness of residence restrictions in preventing sex offense recidivism](#),” *Crime and Delinquency*, 58 (2012); Paul A. Zandbergen, et al., “[Residential Proximity to Schools and Daycares: An Empirical Analysis of Sex Offense Recidivism](#),” *Criminal Justice and Behavior*, 37-5 (2010): 482-502; Colorado Sex Offender Management Board, [Report on Safety Issues Raised by Living Arrangements for and Location of Sex Offenders in the Community](#), Colorado Department of Public Safety Division of Criminal Justice, (2004); Jacqueline A. Berenson & Paul S. Appelbaum, “[A Geospatial Analysis of the Impact of Sex Offender Residency Restrictions in Two New York Counties](#),” *Law and Human Behavior* 35- 3 (2011): 235–46; and Beth M. Huebner et al, [An Evaluation of Sex Offender Residency Restrictions in Michigan and Missouri](#), in fulfillment of a grant from the National Institute of Justice, U.S. Department of Justice (2013).

Also see: Kelly M. Socia, “[Residence Restrictions Are Ineffective, Inefficient, and Inadequate: So Now What?](#)” *Criminology & Public Policy*, 13 (2014) 179-188. For more discussion of these studies and other evidence, in the context of Illinois residency restrictions, see: [Brief for Joshua Vasquez, et al.](#) as Amici Curiae Supporting Petitioners, *Vasquez v. Foxx*, 895 F.3d 515 (7th Cir. 2018).

25. Residency restrictions do not improve safety, but they do cause or contribute to adverse and undesirable outcomes such as homelessness, transience, unemployment, long-term housing instability, poverty, family separation, trauma, and despair. These are social conditions that Illinois *should seek to avoid, not perpetuate*—because, for any population, these conditions foster crime, victimization, domestic violence, and prison system involvement. See: Social Impact Research Center, [Cycle of Risk: The Intersection of Poverty, Violence, and Trauma: Report on Illinois Poverty](#), Heartland Alliance (Mar 2017); National Sexual Violence Resource Center (NSVRC), [Housing, Homelessness, and Sexual Violence – Annotated Bibliography](#) (Jun 2020); Jill Levenson, “[Collateral Consequences of Sex Offender Residence Restrictions](#),” *Criminal Justice Studies*, 21-2 (2008): 153–166; Richard Tewksbury et al., “[Sex Offender Residential Mobility and Relegation: The Collateral Consequences Continue](#),” *American Journal of Criminal Justice*, 41-4 (2016): 852–866; and Jill Levenson et al., “[Where for Art Thou? Transient Sex Offenders and Residence Restrictions](#),” *Criminal Justice Policy Review*, 26-4 (2015): 319–344. Also see: California Sex Offender Management Board, “[Homelessness Among California’s Registered Sex Offenders: An Update](#)” (Sep 2011). After residency restrictions were adopted for parolees through a California state proposition, the Board documented the resulting dramatic rise of people who were homeless on parole (from virtually none to 1 in 3), and urged an appeal of these policies, which were eventually struck down.

26. Crime prevention of all kinds is correlated to stable housing and employment, positive social connections, and a hopeful outlook for the future. In spite of the adverse conditions faced by people with sex offense convictions, they maintain very low base rates of new sex offenses. But these rates *would likely be even lower* if state policies did not *sabotage their pathways to crime desistance*. As Patrick Lussier explains, “American research has shown that current laws and penal dispositions, not only have a limited impact on sexual recidivism, but they have profoundly negative unintended consequences on their community reentry and reintegration possibilities. Such dispositions significantly affect these persons’ individual, familial, work, residential, and social opportunities. In fact, these dispositions affect what desistance theorists believed to be some of the pivotal path-leading factors of desistance from crime. In this context, the relatively low sexual recidivism rates that have been observed across studies could at best be considered somewhat puzzling. Against all odds and in spite of the social stigma, it is undeniable that the majority of individuals convicted for a sexual offense do not come back into the criminal justice system for a subsequent sexual offense.” See: Patrick Lussier, “[Desistance From Sexual Offending: A Policy and Research Agenda Whose Time Has Come](#),” *International Journal of Offender Therapy and Comparative Criminology* 60-15 (Nov 2016): 1711–16. Also see: Mark Farmer et al., “[Understanding Desistance from Sexual Offending: A Thematic Review of Research Findings](#),” *Probation Journal* 62-4 (Dec 2015): 320–35; and Danielle Arlanda Harris, “[Desistance From Sexual Offending: Findings From 21 Life History Narratives](#),” *Journal of Interpersonal Violence* 29-9 (Jun 2014): 1554–78.

27. A public health or ecological approach to violence prevention emphasizes the whole health of the whole community though a baseline level of resources for families and individuals, along with positive supports through the course of a lifetime. These include accessible: housing, employment, education, childcare, health care, mental and behavioral health care, disability supports, victim services, senior citizen care, reentry services, youth programming, therapy services, sex and relationship counseling, recreation, and nutrition. By having opportunities to seek and receive help, and address needs and deficits, families can prevent harm or build resilience after harm has been committed by or to a family member. They can also avoid involvement from criminal legal and child welfare systems, *which drive, rather than interrupt*, cycles of socioeconomic disadvantage, exposure to violence, behavioral health problems, and adverse childhood experiences. See: Kali Grant, et al., [Reimagining Behavioral Health: A New Vision for Whole-Family, Whole-Community Behavioral Health](#), Georgetown Center on Poverty and Inequality and Mental Health America, (2019; revised Spring 2020); National Sexual Violence Resource Center (NSVRC), [Social Determinants of Health - Annotated Bibliography](#), (Mar 2020); Leila Morsy & Richard Rothstein, [Toxic stress and children’s outcomes](#), Economic Policy Institute/Opportunity Institute Report (May 1, 2019); and Noni K. Gaylord-Harden et al., “[Examining the Pathologic Adaptation Model of Community Violence Exposure in Male Adolescents of Color](#),” *Journal of Clinical Child & Adolescent Psychology*, 46:1 (2017):125-135.

28. See Natasha Knack et al., “[Primary and Secondary Prevention of Child Sexual Abuse](#),” *International Review of Psychiatry (Abingdon, England)* 31-2 (2019): 181–194; Kathleen C. Basile, et al., “[STOP SV: A Technical Package to Prevent Sexual Violence](#),” National Center for Injury Prevention and Control, Centers for Disease Control and Prevention (2016); Pamela M. McMahon, “[Public Health Approach to the Prevention of Sexual Violence](#),” *Sexual Abuse: Journal of Research and Treatment*, 12-1 (2000): 27-36; Kathleen C. Basile, “[Implications of Public Health for Policy on Sexual Violence](#),” *Sexually Coercive Behavior: Understanding And Management*, 989-1 (2003): 449-450; Stop It Now! <https://www.stopitnow.org>, retrieved July 1, 2020; and generationFIVE, “[Ending Child Sexual Abuse: A Transformative Justice Handbook](#),” retrieved July 1, 2020. Also see: Erin L. Thompson et al., “[Exposure to violence and nonviolent life stressors and their relations to trauma-related distress and problem behaviors among urban early adolescents](#),” *Psychology of Violence* (Nov 7 2019); Jill S. Levenson & Kelly M. Socia, “[Adverse Childhood Experiences and Arrest Patterns in a Sample of Sexual Offenders](#),” *Journal of Interpersonal Violence*, 31-10 (2016): 1883–1911.

29. The vast majority of people with past sex offense convictions will not reoffend, and the probability drops markedly and predictably after time spent free in the community without an offense. After five years, it plummets; after ten years, most all people reach the “redemption point”—their probability of a new sex offense becomes unremarkable, no greater than it would be for anyone with any type of criminal record. Because of this, any registry policy lasting more than a decade after punishment is complete, even if it were evidence-based, falls sharply out of line with the actuarial data. Yet, Illinois has lifelong residency restrictions, public space banishment, and public registry requirements. See: R. Karl Hanson, “[Long-Term Recidivism Studies Show That Desistance Is the Norm.](#)” *Criminal Justice and Behavior*, 45-9 (2018): 1340–1346; R. Karl Hanson et al., “[Reductions in risk based on time offense-free in the community: Once a sexual offender, not always a sexual offender.](#)” *Psychology, Public Policy, and Law*, 24-1 (2018): 48-63; and R. Karl Hanson et al., “[High-Risk Sex Offenders May Not Be High Risk Forever.](#)” *Journal of Interpersonal Violence*, 29-15 (2014): 2792–2813.

Illinois needs strong support programming for *any person with high-needs* on parole or probation, and that is where our state should be transferring the massive resources currently devoted to maintaining banishment zones (not only the police power dedicated to registration and compliance checks, but the social and economic costs of arrests and incarcerations for hyper-technicalities). Rather than utilizing evidence-based strategies, we are carrying out discredited, sweeping, and indiscriminate policies for which poor people and their families are paying a crushing price.

For more on supportive programming for people with high needs, see: Natasha Azoulay et al., “[Circles of support and accountability \(CoSA\): a review of the development of CoSA and its international implementation.](#)” *International Review of Psychiatry*, 31-2 (2019):195-205; Grant Duwe, *The Promise and Potential of Circles of Support and Accountability*, American Enterprise Institute (Feb 2018); Clarke, Martin, et al., “[Circles of Support and Accountability for Sex Offenders: A Systematic Review of Outcomes.](#)” *Sex Abuse Journal*, (Sep 14, 2015); Bonnie Dickie et al., *Hollow Water*. New York, NY: National Film Board of Canada (2000); Berma Bushie, “[Community Holistic Circle Healing: A Community Approach.](#)” paper presented at Building Strong Partnerships for Restorative Practices conference, Burlington, VT (August 1999); and Kyllie Cripps & Hannah McGlade, “[Indigenous family violence and sexual abuse: Considering pathways forward.](#)” *Journal of Family Studies*, 14 (2008): 240-253.

30. The #metoo movement has brought renewed focus on the prevalence of interpersonal abuse and violence and amplifies what we already know—sexual harm is committed by ordinary people, it happens a lot, and it is usually not reported to law enforcement, or once reported, [rarely results in investigation, arrest, or conviction](#). The inadequacy of state responses to sexual misconduct, and the recognition of a runaway carceral state, has brought more critical attention to the unintended consequences of public registries and related restrictions. One reason this gigantic investment of state and local police resources is ineffective at prevention is because it disregards *how sexual offending generally takes place and by whom*. Setting aside the number of offenses that are never reported and how few are committed by strangers, the vast majority (some 95%) of even those who are arrested *do not have previous convictions* and are not listed on a registry. Instead of prioritizing prevention or providing meaningful support to survivors, the state targets and scapegoats those who have *already* been held accountable. As feminists and criminal justice advocates have long argued, public registries promote a false sense of security and myths about sexual violence, while providing no actual public safety benefit. See: Reina Gattuso, “[Why Should Feminists Be Against the Sex Offender Registry?](#)” *FEMINISTING* (2018); Joan Tabachnick & Alisa Klein, “[A Reasoned Approach: Reshaping Sex Offender Policy to Prevent Child Sexual Abuse.](#)” Association for the Treatment of Sexual Abusers (2011); and Paul M. Renfro, “[Sex Offender Registries Are Fueling Mass Incarceration — And They Aren’t Helping Survivors.](#)” *Jacobin* (Jun 2020). For statistics on arrest rates and the ineffectiveness of the registry, see: Jeffrey C. Sandler, et al., “[Does a Watched Pot Boil? A Time-Series Analysis of New York State’s Sex Offender Registration and Notification Law.](#)” *Psychology, Public Policy, and Law*, 14-4 (2008): 284–302. Also see: Alliance for Safety and Justice, [Crime Survivors Speak: The First-Ever National Survey of Victims’ Views on Safety and Justice](#), Tides Center (2016). For more information about the Chicago 400 Alliance see: [Letter to Mayor Lightfoot](#) and [Chicago 400 Alliance overview](#).

31. People convicted of sex offenses have remarkably low rates of new sex offenses, in spite of decades of media misinformation to the contrary. See Ira Mark Ellman & Tara Ellman, “[‘Frightening and High’: The Supreme Court’s Crucial Mistake About Sex Crime Statistics](#),” *Constitutional Commentary* 419 (2015): 495-508; and [A ‘Frightening’ Myth About Sex Offenders](#), directed by David Feige, *The New York Times*, Op-Docs (Sep 12, 2017). For a long list of recidivism studies, see: Women Against the Registry, “Recidivism,” <https://www.womenagainstry.org/recidivism>, retrieved Jul 1, 2020. Recidivism statistics cannot take into account non-reported crimes. Crimes are more likely to be underreported for *people with no convictions*, then for those on registries. Recidivism statistics are also flawed because of how they create categories and also attempt to attribute causality to a single past conviction. See: Jeffrey A. Butts & Vincent Schiraldi, *Recidivism Reconsidered: Preserving the Community Justice Mission of Community Corrections*, Program in Criminal Justice Policy and Management, Harvard Kennedy School (Mar 2018); Alissa R. Ackerman & Marshall Burns, “[Bad Data: How Government Agencies Distort Statistics on Sex-Crime Recidivism](#),” *Justice Policy Journal* 13-1 (2016): 1–23; and Wendy Sawyer, *BJS fuels myths about sex offense recidivism, contradicting its own new data: A new government report reinforces harmful misconceptions about people convicted of sex offenses*, Prison Policy Initiative (Jun 6, 2019).

Even though baseline recidivism rates are low, *our goal should be to make them still lower*—by instituting proven policies to reduce harm. Currently, the discussion of recidivism is a distraction from fact that Illinois maintains policies that: 1) are not evidence-based or effective; 2) are likely to backfire in terms of crime prevention; and 3) exhaust the resources of the very systems charged with providing public safety. They also cause immense harm to people with convictions and their families. No public good is served by making it impossible for people to secure housing, which destabilizes everything else in their lives—and Illinois does this to people for decades past their “redemption points.”

For monographs exploring the history and legacy of these laws, see: Eric S. Janus, *Failure to Protect*, Cornell University Press (2006); Wayne A. Logan, *Knowledge As Power: Criminal Registration and Community Notification Laws in America*, Stanford University Press (2009); Leigh Goodmark, *Decriminalizing domestic violence: A balanced policy approach to intimate partner violence*, University of California Press (2018); Aya Gruber, *The Feminist War on Crime: The Unexpected Role of Women’s Liberation in Mass Incarceration*, University of California Press (2020); Paul Renfro, *Stranger Danger: Family Values, Childhood, and the American Carceral State*, Oxford University Press (2020); and Judith Levine & Erica Meiners, *The Feminist and The Sex Offender: Confronting Sexual Harm, Ending State Violence*, Verso (2020).

32. See: “[Strategies for reducing COVID-19 exposure by revising the implementation of registration policies, housing banishment laws, and other restrictions impacting people with convictions](#),” Sex Offense Litigation and Policy Resource Center, Mitchell Hamline School of Law (Mar 28 2020): “*Waive or suspend housing banishment laws and other housing restrictions*. People experiencing homelessness need emergency housing in order to comply with stay-at-home orders or self-quarantine. But many people listed on “homeless registries” have places they could otherwise reside: housing restrictions alone caused their homelessness. Likewise, prisons have backlogs of people incarcerated past their release dates, or who would be released on parole or probation supervision, if so much housing were not barred. Suspending these restrictions will allow cities to house people more efficiently, conserve emergency beds, and give prison officials the flexibility to place people in homes they already have available. This will protect their populations from the heightened risk of contagion created by needless incarceration and homeless encampments when there are safe available homes for people on the registries.”