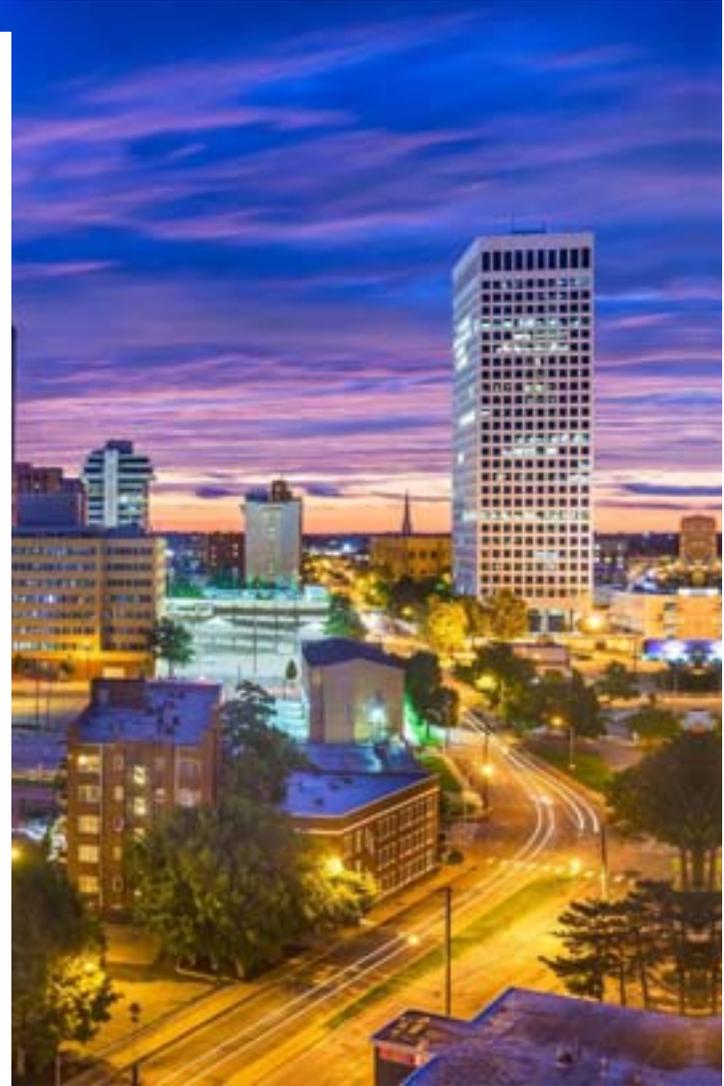


# Legislative Agenda

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FEBRUARY 19

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Workforce Tulsa

Workforce Tulsa  
*growing talent & growing opportunity*



# WorkforceTulsa

*growing talent*  *growing opportunity*

February 15, 2019

Dear Partner,

Over the past several years, Workforce Tulsa has been involved in legislative efforts because we know what happens in Oklahoma City and Washington, D.C. has tremendous effects on our work in Tulsa. For example, we contributed toward Governor Fallin's "Oklahoma Justice Reform Task Force Final Report." For years, we have helped create the Tulsa Regional Chamber's OneVoice Regional Legislative Agenda. And recently, we contributed toward the first legislative agenda effort of the Oklahomans for Criminal Justice Reform. Lastly, we just commissioned a report from the University of Tulsa's Lobeck Taylor Law Clinic that illustrates the legal structures that restricts employment. That report, "Increasing Job Opportunities, Improving the Economy, Investing in Oklahoma," also makes recommendations for overcoming those hurdles.

During a recent robust strategic planning effort, we decided to become even more involved in the legislative process, and to provide our own solutions-based addition to the excellent agendas referenced above. This is that effort.

We ask that you regard us as a resource as you consider, craft, or vote on legislation this session. You may reach Shelley Cadamy at 918.549.5159 or [scadamy@workforcetulsa.com](mailto:scadamy@workforcetulsa.com).

Sincerely,



Shelley Cadamy

Executive Director



Martha Webb-Jones

Board Chair

Oklahoma Works, a proud partner of the American Job Center Network

Workforce Tulsa is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities. This presentation was financed in whole or part by funds from the US Department of Labor as administered by the Oklahoma Office of Workforce Development.

TDD/TTY: 1-800-722-0353; Voice: 1-800-752-6096

907 S. Detroit Avenue, Suite 1325, Tulsa, OK 74120 • 918.595.8648 • [www.workforcetulsa.com](http://www.workforcetulsa.com)





## **INCREASE WORKFORCE DEVELOPMENT FUNDING AND LEVERAGE DISCRETIONARY WIOA FUNDS**

Currently Oklahoma does not fund workforce development at the state level, relying instead solely on federal funds via the Workforce Innovation and Opportunity Act. This puts Oklahoma employers at a disadvantage compared to employers in other states. We ask that Oklahoma create a state-funded workforce development fund to add to existing federal dollars. We also ask that the Governor utilize the WIOA Governor's Discretionary Funds in innovative/entrepreneurial ways to incentivize workforce development projects such as pilots and pay-for-performance projects such as the efforts listed below.

## **CONTINUE CRIMINAL JUSTICE REFORM EFFORTS**

- Create legislation authorizing a "Certificate of Rehabilitation," an official document that lifts statutory barriers to employment, licenses, or other necessities such as housing that result from involvement in the criminal justice system. (Model legislation is attached).
- Leverage the Governor's and Legislature's influence to educate employers about the business case for hiring justice-involved people. Create a toolkit using already available tools and market it to Oklahoma companies.
- Ensure that alternatives to incarceration, such as diversion programs, re-entry, and rehabilitation programs are properly funded and utilized.
- Please see "Increasing Job Opportunities," the "Oklahomans for Criminal Justice Reform 2019 Policy Agenda," and the "Tulsa Regional Chamber of Commerce OneVoice Legislative Agenda, all of which are attached, for more information about criminal justice reform efforts.

## **INCREASE OPPORTUNITIES FOR MIDDLE-SKILL DEVELOPMENT**

- Oklahoma employers desperately need workers with middle skills, defined as skills beyond high school but not yet a four-year degree. Most middle-skill training is not eligible for federal financial aid, which prohibits people from enrolling. We ask that Oklahoma consider a GAP Tuition Assistance Program, like Iowa's Governor created, to fund short-term, industry driven training. (See page 6 of "Putting Pell Grants to work for working students," attached.)
- Utilize the WIOA Governor's Discretionary Funds to actually fund apprenticeships by reimbursing apprentices' wages and by hiring staff with apprenticeship/industry expertise to guide companies in creating Registered Apprenticeships. Funds have already been appropriated

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for use by the Oklahoma Office of Workforce Development for marketing apprenticeships and could be shifted for the uses described above.

#### **REDUCE BARRIERS TO EMPLOYMENT**

- Address the three biggest barriers to employment to ensure Oklahomans can become ready for work and travel to work. Those are:
  - Healthcare, including mental health care services, especially drug and alcohol recovery care;
  - Transportation to and from training and work;
  - Quality, affordable childcare services.

#### **For more information, contact:**

Shelley Cadamy, Executive Director  
Workforce Tulsa  
[scadamy@workforcetulsa.com](mailto:scadamy@workforcetulsa.com)  
918.549.5159

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# OKLAHOMA'S IMPRISONMENT CRISIS

**WITHOUT REFORM, OKLAHOMA'S PRISON POPULATION IS PROJECTED TO KEEP CLIMBING, AT A HIGH COST TO OKLAHOMA TAXPAYERS, COMMUNITIES AND FAMILIES.**

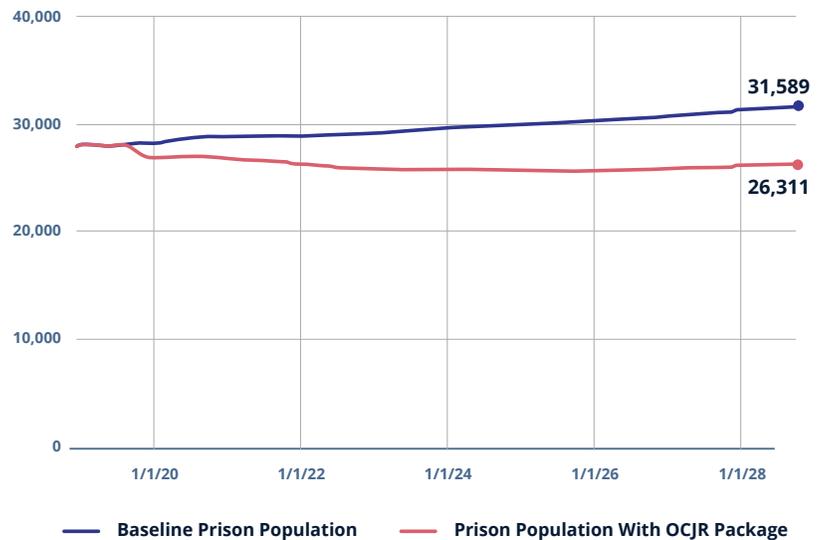
Oklahoma has the highest incarceration rate in the nation, and a prison population projected to keep growing. Without reform this year, the prison population will increase by another 14 percent by 2028, topping 31,000 people in prison and costing the state hundreds of millions of dollars in new prisons without improving public safety.

Oklahoma has made strides in recent years to reform its outdated criminal justice system. In 2016, Oklahoma voters approved State Question 780, ensuring that no one newly convicted of simple drug possession can receive an expensive and unnecessary prison sentence. In 2018, a package of reforms developed by the bipartisan Oklahoma Justice Reform Task Force went into effect, implementing a number of evidence-based corrections and sentencing practices.

But these actions alone are not enough to turn the tide. Oklahoma needs continued reform to make our criminal justice system more fair, fiscally responsible, and effective.

This session, Oklahomans for Criminal Justice Reform is supporting 14 smart reforms that collectively will reduce Oklahoma's prison population by 17 percent by 2028 while improving public safety.

Oklahoma Prison Population Projections



**OKLAHOMANS FOR CRIMINAL JUSTICE REFORM** advances safety, restoration and freedom in Oklahoma. We are a coalition of business and community leaders, law enforcement experts, service providers and advocates committed to justice reforms that improve public safety by reducing Oklahoma's bloated prison population, saving taxpayer dollars, reinvesting in alternatives, and keeping families together.

# 2019 LEGISLATIVE AGENDA

## THESE FOURTEEN REFORMS, SPONSORED BY A LARGE AND BIPARTISAN GROUP OF LEGISLATORS, WILL:

### REDUCE UNNECESSARY PRISON TERMS

- Define **possession with intent to distribute** to end overcharging for drug possession (SB 421, Sen. Stephanie Bice, R-Oklahoma City; HB 1100, Rep. Robert Manger, R-Midwest City; HB 2309, Rep. Avery Frix R-Muskogee)
- Expand use of **evidence-proven supervision and recidivism-reduction practices** that are in line with national standards, including limiting the time a person spends behind bars for violating the rules of supervision. (SB 616 and 618, Sen. Darcy Jech, R-Kingfisher; HB 2040, Rep. Dean Davis, R-Broken Arrow; HBs 2273 and 2279, Rep. Josh West, R-Grove)
- **Limit powerful sentence enhancements** for people who have only been convicted of non-violent crimes. (SB 287, Sen. Bill Coleman, R-Ponca City; HB 2278, Rep. Josh West, R-Grove; HB 2009, Rep. Garry Mize, R-Guthrie)

### KEEP FAMILIES TOGETHER

- Apply **retroactivity to SQ 780** and other recent non-violent sentencing changes, allowing people still incarcerated under outdated laws to go home to their families. (SB 357, Sen. Stephanie Bice, R-Oklahoma City; SB 276, Sen. George Young, D-Oklahoma City; HB 1269, Rep. Jon Echols, R-Oklahoma City, and Rep. Jason Dunnington, D-Oklahoma City)
- Stop injustice against mothers for **failure to protect** from child abuse by preventing parents who committed no abuse from receiving longer sentences than abusers. (SB 246, Sen. Stephanie Bice, R-Oklahoma City; HB 2523, Rep. Tammy West, R-Bethany; HB 2032, Rep. Kelly Albright, D-Midwest City)
- **End pretrial detention** for misdemeanor and non-violent felony charges, with certain exceptions, so that people don't lose their jobs while locked up for a crime for which they have not even been convicted. (SB 252, Sen. Roger Thompson, R-Okemah; SB 974, Sen. George Young, D-Oklahoma City; HB 1037, Rep. Collin Walke, D-Oklahoma City; HB 2083, Rep. Mickey Dollens, D-Oklahoma City)
- **Cap in-state phone calls** from prison at the Federal Communications Commission rate so that families can stay in touch even while they are separated. (SB 188, Sen. Chuck Hall, R-Perry; SB 226, Sen. Stephanie Bice R-Oklahoma City)

### ENSURE FAIRNESS IN OUR COURTS

- Create an **expiration date** for nonviolent warrants if no further offenses were committed. (SB 341, Sen. Stephanie Bice, R-Oklahoma City; HB 1934, Rep. Robert Manger, R-Midwest City; HB 1931, Rep. Mike Osburn, R-Edmond; HB 2458, Rep. Jason Dunnington, D-Oklahoma City)
- Implement Oklahoma City's **cite and release policy** for marijuana possession statewide. (SB 787, Sen. Carri Hicks, D-Oklahoma City)
- Grant defendants an **initial appearance** within 48 hours of arrest, with a guarantee of counsel, appropriate bail and determination of ability to pay, plus other determinations. (HB 2274, Rep. Josh West, R-Grove; HB 1294, Rep. Nicole Miller, R-Edmond)
- Present defendants with **discovery of evidence** within 20 days of the discovery request. (HB 1019, Rep. Marcus McEntire, R-Duncan; SB 165, Sens. Brent Howard, R-Altus)
- Make **jury verdict and sentencing** a two-part process, like most other states. (HB 2310, Rep. Avery Frix, R-Muskogee; HB 2589, Reps. Jon Echols, R-Oklahoma City)

### BETTER INFORM FUTURE POLICYMAKING

- Improve collection and release of **data** on courts, prosecutors, jails, policing and prisons. (HB 2298, Rep. Trey Caldwell, R-Lawton)
- Require **community impact statements** be prepared for future criminal justice legislation. (HB 1097, Rep. Mike Osburn, R-Oklahoma City; HB 1855, Rep. Scott Fetgatter, R-Okmulgee; SB 253, Sen. George Young, D-Oklahoma City)



## 2019 Regional Legislative Agenda

### State Priorities

#### **EDUCATED AND HEALTHY WORKFORCE**

##### **Address the Teacher Shortage**

Improve the ability of Oklahoma's Pre-K-12 public schools to attract, retain and return effective career teachers through policies designed to increase the state's pool of qualified teachers and improve teachers' job satisfaction. This should include:

- a) Incentives, such as tax breaks and student loan forgiveness, and regionally-competitive salaries to establish teaching as a desirable profession;
- b) Mandate and fund additional instructional professionals and staff support for teachers in classrooms, such as paraprofessional educators;
- c) Incentive pay for special education teachers and teachers in high-need districts;
- d) Incentivizing education for aspiring teachers through higher education programs, emphasizing STEM (science, technology, engineering and math) educators;
- e) Supporting professional development through state and local services;
- f) Reduce class sizes, and;
- g) Improving classroom resources and supplies.

Oklahoma's ability to fill its growing teacher shortage with quality, effective teachers is crucial to the postsecondary and career success of Oklahoma students and the sustainability of the state's workforce.

##### **Broaden and Protect Health Coverage**

Broaden and protect health care coverage by capturing all available state and federal funds for the Oklahoma Health Care Authority.

##### **Comprehensive Education Funding Plan**

Support a comprehensive multi-year plan to meet current and future workforce needs by investing in the state's public education systems and establishing Oklahoma as a national leader in early childhood, K-12, CareerTech and higher education. This should include competitive per-pupil funding and multi-year, dedicated, sustainable revenue. This would allow educational institutions to innovate and plan for the future.

##### **Fund Behavioral Health Services**

Prioritize funding for the Oklahoma Department of Mental Health and Substance Abuse Services to restore recently-cut services and allow for new innovations in prevention, treatment and services. Such investments will increase business' access to healthy workers, boost employee productivity, improve student and youth outcomes, save money in the criminal justice system and enable more Oklahomans to contribute meaningfully to the economy.



## 2019 Regional Legislative Agenda

### **Medical Education Funding**

Maintain physician training funding for the state's two largest medical schools in the base budgets of the Oklahoma Health Care Authority or university medical authorities. Without state support of at least \$62 million annually, the loss of federal Medicaid funds would threaten the core activities of the University of Oklahoma Health Sciences Center and the Oklahoma State University Center for Health Sciences. These institutions are critical to health of Oklahomans. In addition to providing care to one third of the state's Medicaid patients, they drive economic development and serve as the state's primary physician-training engines.

### **Restore College & University Funding**

Restore funding for higher education to make salaries competitive for faculty and staff, support college completion efforts, and keep tuition affordable for students and families. Higher education has absorbed the majority of overall state budget cuts in recent years, and Oklahoma ranks as the nation's highest for per-pupil cuts to higher education since 2008. This has resulted in layoffs, fewer courses and degree programs, larger class sizes and increasingly non-competitive pay for faculty and staff.

## **BUILDING INFRASTRUCTURE CRITICAL TO BUSINESS**

### **Eliminate Exemptions to 811 One Call Program**

Support the elimination of all exemptions to Oklahoma's One Call Program (Call 811 Before You Dig). Eliminating the exemptions to the One Call Program strongly promotes pipeline and underground utility safety. In previous years, the legislature removed the exemption for cities and counties. However, railroads, certain agencies and other stakeholders utilizing mechanized excavation equipment and other digging devices are still exempt from contacting the One Call program before they dig. Exemptions from the One Call program contribute to underground utilities incidents, threatening the safety and welfare of our fellow Oklahomans. This is especially important for the safety of the workers who are excavating without prior knowledge of what is below the ground.

### **Support Critically Needed Transportation Funding**

Continue to improve our roads, bridges and return our streets and highways to a state of good repair by fully funding the Oklahoma Department of Transportation's Eight Year Plan and the County Improvement for Roads and Bridges Five Year Plan. Prioritize restoring all statutory allocated fuel tax revenue and motor vehicle fees to transportation projects including state highways, city and county roads and bridges, and public transit. Regional high-priority projects which can only be addressed through adequate funding include: widening of I-44 from I-244 east to the Will Rogers Turnpike; widening I-44 from the Arkansas River west to I-244 (Red Fork Expressway); expansion of U.S. 169 to six lanes north to State Highway 20; construction of a four-lane Port Road on Highway 266 from U.S. 169 to the Port of Catoosa, and from the Port of Catoosa to I-44; expansion of US-75 to six lanes from State Highway 11 to State Highway 67; State Highway 20 bypass in Claremore; and high capacity expressway to expressway interchanges between I-44, US-169 and SH51.

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## 2019 Regional Legislative Agenda

### **Support Regional Water Policy**

Show strong support for appropriate water conservation practices, incentives, and educational programs to moderate statewide water usage while preserving Oklahoma's population growth and economic development goals. Additionally, support legislation regarding Oklahoma's water law and regulations that ensure a balance among commercial, residential, recreational and agricultural interests. Oklahomans have made significant investments in reliance on existing supply agreements, and the state should continue upholding the principle that its abundant water supplies—both surface and groundwater—are to be efficiently developed, used, reused, conserved, and enjoyed. This will guarantee future availability and financial sustainability for ratepayers, municipalities and rural water districts.

## **ENSURING A PROSPEROUS ECONOMY**

### **Criminal Justice Reform**

Strengthen alternatives to incarceration and support reforms in sentencing, reentry and rehabilitation that safely reduce the prison population and enable nonviolent offenders to reenter the workforce. This should include investments in treatment and early-diversion efforts for individuals suffering from mental illness and addiction, as well as structural changes in the criminal justice system. Fully implementing recommendations such as those proposed by the Oklahoma Justice Reform Task Force is necessary to reduce the state's prison population. These smart-on-crime reforms would improve community safety, reduce recidivism, lessen the burden on prisons and safety net programs and enable more ex-offenders to contribute meaningfully to Oklahoma's economy.

### **Economic Incentives**

Support tax credits, exemptions and incentives that provide an economic return to the state of Oklahoma, maintain competitiveness in business attraction and retention, and increase capital investment. Several programs proposed for review by the Oklahoma Incentive Evaluation Commission are critical to the state's competitiveness and should be protected, including the Historic Rehabilitation Tax Credit, all Quality Jobs programs, the Quality Events Program, the Film Enhancement Rebate, the Automotive Engineering Tax Credit, Small Business Incubator Tenant Credit and the Oklahoma Seed Capital Fund.

### **Fund OCAST (Oklahoma Center for the Advancement of Science and Technology)**

Increase OCAST's annual budget to fund more approved projects and capture additional matching funds from the private sector. With 85 approved but unfunded OCAST projects in 2018, \$312 million in potential public-private investment was left on the table for growing and diversifying Oklahoma's economy and building the tax base. OCAST funding assists Oklahoma in four vital areas: (1) research and development funding for businesses & universities, (2) two- and four-year college internship opportunities, (3) manufacturing support, and (4) early-stage funding for start-up businesses.

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## 2019 Regional Legislative Agenda

### **Municipal Funding Diversification**

Support legislation that removes barriers to allow municipalities to reduce costs, operate efficiently, and diversify sources of revenue available to municipalities for operating revenue. Key initiatives include diversifying revenue for funding public safety agencies, streets, and other infrastructure improvements; and preserving and strengthening cities' authority to promote economic development activities within their borders.

### **Self-Determination in Facility Firearm Policies**

While supporting the rights granted by the Second Amendment, protect the current law giving venue owners, event operators, and recreational facilities the authority to control firearm policies on property they manage. Removing this control would endanger Oklahoma's ability to attract events that bring thousands of visitors and millions of dollars into our economy each year. Many events—especially in youth and collegiate sports—have non-negotiable firearm policies and removing the controls under current law would limit facility operators' ability to ensure the safety of their events, increase the cost of providing security, could subject them to additional liability, and would lose that state hundreds of millions of dollars.

### **Startup, Early-Stage & Small Business Incentives**

Improve state incentives for high-growth startup, early-stage and small companies through new rebates or credits, or amended existing programs. This could include increasing access to the Small Employer Quality Jobs Program by easing the program's unattainable out-of-state sales requirement. State incentives should support a continuum of growth for companies from inception to established small business.



## 2019 Regional Legislative Agenda

### Federal Priorities

#### **EDUCATED AND HEALTHY WORKFORCE**

##### **AmeriCorps funding**

Fully fund and enhance the Corporation for National and Community Service, which supports local schools and nonprofit organizations with vital resources and manpower through AmeriCorps programs. Each year, these programs leverage \$35 million in federal and local funding to deploy approximately 1,000 AmeriCorps members in over 50 school districts and 100 nonprofits in Oklahoma to supplement school services and provide unique educational experiences to local children.

##### **Federal Health Care Reform**

Refrain from changes to the structure and financing of Medicaid that would increase Oklahoma's uninsured rate and would transfer federal risk and costs to Oklahoma taxpayers. However, remain open to innovations that decrease employer-sponsored and individual health insurance costs. As the largest private employment sector in Oklahoma, health care and social assistance services make up hundreds of thousands of jobs, with Medicaid alone serving more than one million Oklahomans — two in three of whom are children — every year.

##### **Middle-Skill Job Training**

Support efforts to meet industry needs for skilled workers in jobs that require training beyond high school but not a four-year higher education degree. This should include funding the Workforce Innovation and Opportunity Act at the level recommended by Congress as reauthorized in 2014, and increasing funding for the Work Opportunity Tax Credit (WOTC) while expanding this program's support to include apprenticeships and other work-based learning. In addition, reduce barriers for hiring veterans under the WOTC.

##### **Protect Federal Nutrition Programs**

Maintain the structure, financing and eligibility criteria of federal nutrition programs under the USDA, which benefit Oklahomans' health, family stability and educational attainment. The Child and Adult Care Food Program; Free and Reduced School Breakfast and Lunch (including the Community Eligibility Provision); the Summer Food Service Program; Supplemental Nutrition Assistance Program (SNAP); and Special Supplemental Nutrition Program for Women, Infants, and Children (WIC); are all critical tools for combating food insecurity and preventing chronic disease, obesity, delayed early childhood development, absenteeism in schools, school behavioral issues, and lower academic achievement.

##### **Reform Federal Financial Aid**

Support the reform of federal financial aid eligibility to improve access to higher education for all Americans. This should include:

- a) Increasing funding for the Pell Grant program and oppose attempts to cap per-student grants;
- b) Improve FAFSA outreach and education;

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## 2019 Regional Legislative Agenda

- c) Allow short-term, industry-driven training programs to qualify for federal financial aid;
- d) Expand student loan forgiveness programs, particularly for graduates in high-demand occupations with workforce shortages; and,

Simplify and streamline the financial aid application process.

### **Support Pell Eligibility for Short-Term, Industry-Driven Training**

Expand Pell Grant eligibility to short-term, industry-driven training at higher education and vocational-technical clock-hour institutions. Pell Grant eligibility is currently limited to programs covering 16 credit hours or 600 clock hours. This restriction was established before shorter-term credentials were as imperative for industry as they are today. Removing this restriction would help to build a much-needed worker pipeline for Oklahoma's companies. However, current Pell funding for students in postsecondary programs should be protected. In addition, continue support and recommend permanently reinstating Second Chance Pell funding.

## **BUILDING INFRASTRUCTURE CRITICAL TO BUSINESS**

### **Arkansas River Corridor Development**

Support efforts to expedite the implementation of the Arkansas River Corridor Project for river infrastructure improvements. Allow federal match credit to be accrued for state and local expenditures in order to advance construction activity while preserving the Tulsa region's access to future federal funding for this federally authorized project.

### **McClellan-Kerr Arkansas River Navigation System**

Increase Congressional appropriations to address the approximate \$153 million in maintenance backlog of MKARNS—\$139 million of which is deemed critical—potentially leading to a shutdown of the waterway over the next five years. Also address the White River Entrance Channel Cut-off problem caused by the tendency of the White and Arkansas Rivers to merge together during flooding. Failure to correct this issue will lead to a loss of navigation on the entire system. Finally, provide the necessary appropriations to deepen the MKARNS to its 12-foot authorized depth, thereby increasing barge productivity by 30 percent. Ensure any federal comprehensive infrastructure package includes funding for this issue.

### **Tulsa's Levee System**

Continue to support addressing the critical infrastructure needs with Tulsa's aging levee system, which the Corps of Engineers has designated as one of the five percent highest-risk levee systems in the country. Through emergency legislation, Congress appropriated \$3 million for the Corps to develop a plan for addressing the structural deficiencies, but securing funding for the project itself should remain a top priority. If one levee fails, it would be catastrophic for homeowners, two nationally strategic oil refineries, multiple industries currently protected by the system, and have devastating environmental impacts for our region. Ensure any federal comprehensive infrastructure package includes funding for this issue.



## 2019 Regional Legislative Agenda

### ENSURING A PROSPEROUS ECONOMY

#### **Eliminate Barriers to Greater Use of Natural Gas**

Support measures to reduce or eliminate barriers to greater use of American-produced natural gas, including CNG, LNG, GTL and NGLs. Oklahoma is the third-largest producer of natural gas in the United States, and the Department of Energy should facilitate full development of this resource to strengthen the country's national security, economic outlook and geopolitical position in the world. DOE action on this initiative has the potential to significantly increase the Tulsa region's job creation in the production and manufacturing sectors.

#### **Federal Criminal Justice Reform**

Reform national criminal justice systems to emphasize rehabilitation and restorative justice. Restore full funding for the Second Chance Act, reinstate funding for the Justice Reinvestment Initiative and continue to support sustained funding for the Mentally Ill Offender Treatment and Crime Reduction Act. In addition, support evidence-based reforms such as removing mandatory minimum sentences, instituting risk-and-needs assessments, and improving prison-based rehabilitation programs. Smart on crime reforms will ease workforce shortages, save taxpayer money, improve public safety and lead to better pathways for ex-offenders to contribute meaningfully to their local economies.

#### **Federal Historic Tax Credits**

Maintain federal Historic Rehabilitation Tax Credits for the restoration of historic buildings. These credits have for 30 years been an important catalyst for incentivizing private investment to preserve the nation's historically significant buildings and revitalize the historic cores of American cities. The existing 20 percent income tax credit for certified historic structures and 10 percent credit for certain noncertified historic structures should be preserved. Additionally, support the School Infrastructure Modernization Act, which expands the tax credit to include historic school buildings that still operate as an educational institution.

#### **Maintain Funding for EPA Brownfields Program**

Encourage Congress to maintain, or even increase, current funding levels for the EPA's Brownfields Program. Federal funding for rehabilitating brownfields sites is vital for Oklahoma's communities to address core environmental challenges, and reopen land for successful economic development and growth.

#### **Small employer health care concerns**

Minimize the regulatory burden on small and medium employers under the Affordable Care Act and support efforts to reduce these employers' cost of providing health care. This should include reducing legal and administrative barriers to the creation of association health plans, such as those once housed by chambers of commerce; making permanent the repeal of the Health Insurance Tax; and exploring ways to avoid applying large-employer health insurance requirements to small-scale owners who operate separate small businesses in good faith.



## 2019 Regional Legislative Agenda

### **Support Funding for Critical Economic Development Programs**

Strongly support (or oppose efforts to cut) targeted economic development funding for programs that have proven to be effective and beneficial to the Tulsa Region. These include the Economic Development Administration (EDA) grants for infrastructure and planning and the Manufacturing Extension Partnership (MEP), a program under the U.S. Department of Commerce's National Institute of Standards and Technology. MEP partners with the Oklahoma Manufacturing Alliance (OMA) to help small and medium-sized manufacturers create and retain jobs, improve overall business resilience and increase bottom line performance. The program returns \$65 for each \$1 invested in new sales for Oklahoma manufacturers, and OMA ranks in the top three MEP centers in the United States. Assure OMA funding remains at current levels or higher in its partnership with MEP.



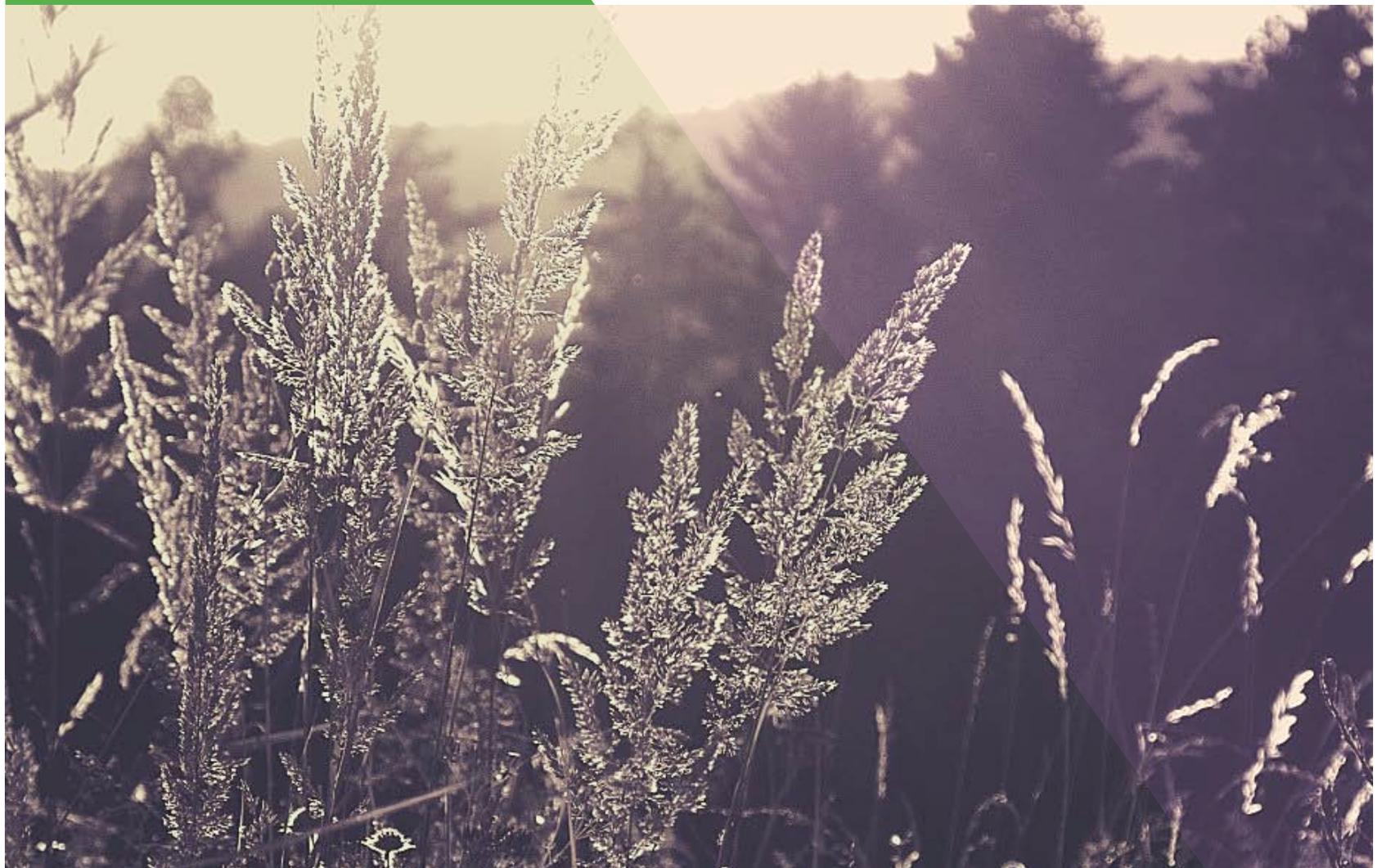
# Increasing Job Opportunities Improving the Economy INVESTING IN OKLAHOMA

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**JANUARY 2019**

A REPORT BY:

Kate Forest  
Kelsey Harrison  
Emily Turner





# Increasing Job Opportunities Improving the Economy INVESTING IN OKLAHOMA

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A REPORT BY:

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Kelsey Harrison  
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## CONTENTS

<b>About the Contributors</b> .....	i
<b>Introduction</b> .....	1
<b>About This Report</b> .....	3
Findings.....	3
Barriers to Jobs.....	3
Report Outline.....	3
Justice-Involved People and Oklahoma .....	3
<b>Investing in Oklahoma</b> .....	5
Justice-Involved People Need Jobs .....	5
Oklahoma Needs Workers .....	5
Facts About Justice-Involved Workers .....	6
<b>Private Market Challenges</b> .....	7
Private Market Recommendations .....	7
<b>Expungement Challenges</b> .....	9
Expungement Recommendations.....	9
Continue Criminal Justice Reform.....	10
<b>Occupational Licensing</b> .....	11
Oklahoma’s Burdensome Licensing .....	11
Blanket Bans .....	11
Occupational Licensing Reform efforts.....	12
Task Force Suggestions .....	12
Occupational Licensing Recommendations.....	12
<b>Past-Due Child Support Challenges</b> .....	13
Past-Due Child Support Recommendations.....	13
<b>Barriers to Housing</b> .....	15
Housing Recommendations .....	15
<b>Sources</b> .....	17



## **ABOUT THE CONTRIBUTORS**

### **The Authors**

This report was written by three law students from The University of Tulsa College of Law's Lobeck Taylor Community Advocacy Clinic:

**Kate Forest** plans to become a public policy analyst and advocate after law school. She is a volunteer facilitator for Poetic Justice, a program that brings therapeutic poetry workshops to incarcerated women. She has also been an instrumental advocate working on the commutation efforts led by Oklahomans for Criminal Justice Reform.

**Kelsey Harrison** envisions a career where she can use her legal expertise and creative problem-solving skills to advocate for women and children, particularly those who have been victims of violence and abuse. She hopes to combine direct representation and public policy advocacy to serve her community.

**Emily Turner** has spent many years advocating for Oklahomans whose lives have been touched by the child welfare, juvenile justice, and criminal justice systems. She has expertise in child development and plans to leverage this expertise, along with her law degree, to work on reforming the criminal justice system for youthful offenders.

The **Lobeck Taylor Community Advocacy Clinic (CAC)** at The University of Tulsa College of Law offers student attorneys the opportunity to explore the ethical, strategic, and theoretical dimensions of legal practice by solving real-life legal problems in a structured learning environment. CAC students serve the community by providing representation that increases access to justice for low-income individuals and families, as well as advocacy, capacity-building, and systemic reform on behalf of non-profit organizations and community groups. For more information: <http://law.utulsa.edu/legal-clinics/community-advocacy-clinic/>.

### **Workforce Tulsa**

The Tulsa Area Workforce Development Board (publicly known as Workforce Tulsa) serves Tulsa, Creek, Osage, and Pawnee Counties. The Board is the workforce "hub" in the Tulsa area. Its mission is to place today's talent in jobs, prepare individuals for the jobs of tomorrow, ensure that the broader workforce system is as efficient as possible, and fuel economic development by creating relationships that benefit employers and job seekers.

### **Acknowledgements**

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# Introduction

Workforce Tulsa fuels economic development by creating relationships that benefit employers and job seekers by placing talent today, while preparing individuals for the jobs of tomorrow. We serve employers in the Oklahoma counties of Tulsa, Osage, Creek, and Pawnee.

As a board of more than thirty leaders, the majority of which represent private industry, Workforce Tulsa works to ensure that the workforce system - made up of employers, job seekers, trainers and educators, government agencies and non-profits - is operating as efficiently as possible. We know that workforce is one of the most important components of economic development, and we focus on meeting the needs of industry in our market. Oklahoma has long been one of the leaders in incarceration in the US, which in turn leads the world in incarceration. We were led to become involved in criminal justice reform many years ago, because we realized that a large part of the available Tulsa area workforce was incarcerated or otherwise involved in the justice system. From a resource and economic perspective, that's difficult to ignore, especially when the majority of Tulsa area companies are struggling to fill jobs.

We commissioned this research, because as we worked with partners and clients, we encountered many anecdotal examples of laws, policies, and other legal components that were keeping justice-involved people out of work.

We were very excited when The University of Tulsa College of Law's Lobeck Taylor Community Advocacy Clinic selected us for this project, because they bring rare expertise and resources to the table that make this project possible. We are hopeful that this research will help us and our partners to become laser-focused in resolving the issues that have been uncovered, which will greatly benefit Tulsa area employers and the overall Oklahoma economy.



**Shelley Cadamy, Executive Director**

**Workforce Tulsa**  
growing talent  growing opportunity





## ABOUT THIS REPORT

Workforce Tulsa asked the Lobeck Taylor Community Advocacy Clinic at The University of Tulsa College of Law to research the barriers justice-involved people face when seeking employment and to recommend steps Oklahoma can take to remove those barriers. In response, a team of clinic students conducted extensive research and analysis including interviewing local and national experts, reviewing data and best practices, and identifying solutions. This report summarizes what they learned.

## FINDINGS

Justice-involved people – those who have been charged with, convicted of, or incarcerated for a crime – face many barriers to entering the workforce. When justice-involved people have difficulty finding and keeping a job, their families and communities suffer social and economic consequences.

## BARRIERS TO JOBS

- Employers who discriminate against workers with criminal records
- Complex expungement process and difficulty in completely erasing a criminal record
- Occupational licensing regulations that ban justice-involved people
- Past-due child support incurred during incarceration, wage garnishment, and under the table jobs
- Barriers to housing and subsequent housing insecurity

## REPORT OUTLINE

This report:

- Describes how laws, regulations, and discrimination in the job market stand in the way of employment opportunities for justice-involved people
- Identifies the social and economic cost of keeping justice-involved people out of the workforce
- Explains how hiring justice-involved people is a safe investment and that they are reliable employees
- Recommends solutions to expand job opportunities for justice-involved people

## JUSTICE-INVOLVED PEOPLE AND OKLAHOMA

*Oklahoma has the highest incarceration rate in the world.<sup>1</sup>*

An estimated 8.2% of Oklahomans are in prison or on probation.<sup>2</sup> Given this, barriers to employment for those with criminal records are a serious challenge for the state. When justice-involved people cannot find jobs, Oklahoma's communities bear the negative consequences of recidivism, lost economic output, and worker shortages.



## **INVESTING IN OKLAHOMA JUSTICE-INVOLVED PEOPLE NEED JOBS**

***The unemployment rate for people who have been justice-involved is nearly 5 times higher than that of the general population.***

When justice-involved people cannot find or keep a job, their likelihood of recidivism increases.<sup>3</sup> Formerly incarcerated people who are able to secure a job within 2 months of their release are more likely to successfully avoid recidivism.<sup>4</sup>

***A 1% drop in the unemployment rate correlates with a 1-2% decrease in some crimes.***<sup>5</sup>

Recidivism is also deeply connected to the breakdown of family relationships.<sup>6</sup> When a justice-involved person reoffends, their family must cope with issues of abandonment, loss, and separation.<sup>7</sup>

Children whose parents reoffend may experience “shame, social stigma, loss of financial support, weakened ties to the parent, changes in family composition, poor school performance, increased delinquency, and increased risk of abuse or neglect.”<sup>8</sup> When justice-involved people are gainfully employed they are less likely to reoffend, and their families are better off.

## **OKLAHOMA NEEDS WORKERS**

Oklahoma’s booming economy and growing businesses need more workers. National data suggests that excluding justice-involved people from the workforce reduces the gross national product somewhere between \$78 and \$87 billion a year.<sup>9</sup>

Ensuring that justice-involved people are employed will improve the economy. Employing just 100 justice-involved people would increase their lifetime earnings by \$55 million, increase their income tax contributions by \$1.9 million, boost sales tax revenue by \$770,000, and save more than \$2 million annually from corrections budgets.<sup>10</sup>

***Now and in the future,  
Oklahoma needs more workers  
to support its growing economy.***

In the first quarter of 2018, Oklahoma’s job market gained nearly 8,000 private sector jobs. In Tulsa alone, manufacturing, healthcare, and professional service occupations have a high job growth forecast, and many employers report difficulty finding employees to fill these positions.<sup>11</sup>

Oklahoma’s working population is expected to decline by 4.1% in the next 10 years.<sup>12</sup> This decline in the working population coincides with a decline in the population that will replace retiring workers.<sup>13</sup> Oklahoma’s economy and growing businesses cannot afford to turn away willing and able workers.

## FACTS ABOUT JUSTICE-INVOLVED WORKERS

### **Hiring justice-involved people is a safe investment.**

Allen<sup>14</sup> spent 4 years at a medium-security facility for a drug-related offense. When he was released at the age of 24, Allen had a GED, no employment history, and a felony conviction on his record. Allen was deeply motivated to work but struggled to find a job. Many employers declined to hire Allen, largely due to his criminal record. However, studies have shown that employing someone like Allen is as safe as employing someone of comparable age, gender and background who has not been justice-involved.<sup>15</sup>

*Workers who have been justice-involved tend to stay in jobs longer and get promoted faster than workers without criminal records.*<sup>16</sup>

Low turnover rates allow employers to spend less on training and recruitment, which means that employing justice-involved people is *better* for the bottom line.<sup>17</sup>

When searching for workers, employers should not reject candidates simply because they have a criminal record. Research tells us that, if given a chance, Allen would likely prove to be a loyal and valuable employee.

### **Justice-involved people are reliable employees.**<sup>18</sup>

Teesha was arrested after getting in a fight with a friend. She spent three days in the county jail, but the absences cost Teesha her job at the city library. After her release, Teesha quickly applied for a position at a locally-owned business. Sadly, Teesha was turned away because the owners thought her conviction would conflict with their shop's "family-friendly" reputation.

*Studies have shown that people with criminal records are hard workers because they are more committed to their work and grateful for the opportunity.*<sup>19</sup>

When compared to workers without criminal records, justice-involved workers are 1-1.5% more productive and 82% of managers believe that the quality of justice-involved employees is comparable or higher than that of other workers.<sup>20</sup> By quickly rejecting Teesha, the shop owners likely lost the opportunity to have a hard-working and committed employee.

## PRIVATE MARKET CHALLENGES

Justice-involved people face many challenges in the job market due to employer discrimination. Research suggests that employers discriminate against people with criminal records, even though they may deny this is true when asked.<sup>21</sup> When surveyed, employers say they are willing to hire people with criminal records, but research shows that when a person indicates that they have a criminal history, there is a 50% reduction in the likelihood that they will receive a call back.<sup>22</sup>

*76% of formerly incarcerated people state that seeking employment is “very difficult or nearly impossible.”<sup>23</sup>*

Some employers may fear they will be liable for an employee’s actions if something goes wrong on the job.<sup>24</sup> Some courts have held that an employer’s knowledge of an individual’s criminal background could suggest that they were negligent in their hiring, even if the harm had no connection to the past conviction.<sup>25</sup> Fear of liability has incentivized some employers to avoid hiring justice-involved people at all.

The intersection of race, gender, and justice-involvement means that getting a job is even more difficult for justice-involved people of color. In general, people of color have higher unemployment rates than whites and formerly incarcerated black and Latina women experience even more severe levels of unemployment.<sup>26</sup>

## PRIVATE MARKET RECOMMENDATIONS

### Pass a Law Authorizing Certificates of Rehabilitation

- A Certificate of Rehabilitation<sup>27</sup> is an official document that, with appropriate laws in place, lifts statutory bars to jobs, licenses or other necessities such as housing that result from justice-involved background
- At least 6 states have implemented Certificates of Rehabilitation and have found them to be an essential resource supporting reentry<sup>28</sup>

### Incentivize Employers to Hire Justice-Involved People

- Federal funds are available to incentivize employers to hire individuals from marginalized groups, including those with criminal records
- The Work Opportunity Tax Credit<sup>29</sup> (WOTC) is a Federal tax credit available to employers who hire people from targeted groups that have consistently faced significant barriers to employment
- The Federal Bonding Program<sup>30</sup> Specifically targets justice-involved people and offers employers “insurance-like” protections against employee theft or fraud

### Take a Fair Chance Pledge

- Employers can take a Fair Chance Pledge<sup>31</sup> where they commit to providing a fair chance to all job applicants, considering an applicant’s criminal history in its proper context, and engage in hiring

practices that don't exclude those  
with criminal records<sup>32</sup>

**Educate Employers on the Benefits of  
Hiring Justice-Involved People**

- Ensure employers understand  
benefits of hiring justice-involved  
people

## EXPUNGEMENT CHALLENGES

Expungement is the destruction, sealing, or dismissal of a criminal record.<sup>33</sup> Justice-involved people in Oklahoma can apply to have their criminal records expunged after a designated time and only if their offense was nonviolent.<sup>34</sup> Expungement allows justice-involved people to seek work, housing, and other opportunities without the burden of a criminal record.

### *The expungement process is complex.*

The complexity of the expungement process may effectively bar some justice-involved people from clearing their records. The process can require an attorney, involve challenging paperwork, and take up to a year to complete.

**Oklahoma's expungement process has two steps:**

- 1) **expunging the court records and the conviction; and**
- 2) **expunging the arrest record.**<sup>35</sup>

Successfully completing step 1 does not erase both sets of records and many people with records may not understand the need to complete step 2.

Arrest records are not automatically sealed when a criminal conviction is expunged. Sealing arrest records is a separate process.<sup>36</sup> With a \$15 fee, anyone can use the Oklahoma State Bureau of Investigation system to access arrest records.<sup>37</sup> This leaves justice-involved people vulnerable to potential employers finding their arrest record, though the conviction has been expunged.

*Expungement alone may not fully erase a justice-involved person's criminal record.*

Finally, expungement does not guarantee the criminal record will not show up later.<sup>38</sup> When records are expunged, they are removed from public records, but not from private entities such as background check companies.<sup>39</sup> Private background check companies buy bulk government records, collect documents from courthouses, and use sweeper technology to collect data from certain public databases. These companies are resistant to discarding old records and argue they should not be required to remove those records.<sup>40</sup> Since the private background check companies are unregulated, they can continue to release inaccurate, outdated information.

## EXPUNGEMENT RECOMMENDATIONS

### **Create a one-step expungement process**

- People should be able to erase convictions, court records, and arrest records from the court, private background check companies, and Oklahoma's court and law enforcement databases.
- Allows justice-involved people to navigate the workforce without the stigma of a criminal record

### **Regulate the information private companies are allowed to release**

- Reform the background check process to ensure accuracy in private company's records

## CONTINUE CRIMINAL JUSTICE REFORM

### **Make SQ 780 Retroactive**

- In November 2018, Oklahoma reclassified simple drug offenses and some property crimes from felonies to misdemeanors status by implementing SQ 780<sup>41</sup>
- This reclassification has cut down felony charges, but it does nothing for the people who were convicted of a felony before the new law took effect
- To remedy this, the Oklahoma legislature should pass a bill to apply the reclassification retroactively, changing all qualifying felony convictions to misdemeanors
- This would help remove barriers to employment for justice-involved people

### **Give Courts Discretion to Change Felony Conviction to Misdemeanor Convictions**

- The Oklahoma legislature should also consider passing a bill that gives courts discretion to reduce a felony to a misdemeanor offense after a set amount of time
- This would enable Oklahoma courts to clear old convictions efficiently and allow Oklahomans to get back into the workforce more quickly

## OCCUPATIONAL LICENSING

*A license is a credential that a worker must obtain to practice in a particular job.*<sup>42</sup>

Today, occupational licenses are required in nearly 25% of all jobs. In the 1950s, licenses were only required for 5% of all occupations.<sup>43</sup> The growing prevalence of licensing has limited employment opportunities for justice-involved people because many licenses have blanket bans against those with criminal backgrounds.

*“Licensing raises prices for consumers, restricts job opportunities, and hinders innovation.”*<sup>44</sup>

## OKLAHOMA’S BURDENSOME LICENSING

Oklahoma has the 18<sup>th</sup> most burdensome licensing laws in the country due to exam fees, required education, and blanket bans excluding those with felony and misdemeanor convictions. Oklahoma requires licenses that other states do not and over-regulates occupational licenses that have limited public safety concerns.<sup>45</sup> For example, an EMT has a relatively low burden of licensing requirements. Cosmetologists, however, face 10 times more requirements than an EMT faces.<sup>46</sup>

*Nationally, licensing requirements lead to 2.85 million fewer jobs and cost consumers \$203 billion each year.*<sup>47</sup>

Licensing is further complicated by the structure of Oklahoma’s occupational licensing boards. There is no centralized oversight process for regulating occupational licensing boards, so burdensome licensing requirements and restrictive blanket bans can go unchecked.<sup>48</sup>

*It is nearly impossible for formerly incarcerated job seekers to compete in an economy that increasingly demands highly skilled, credentialed workers.*<sup>49</sup>

## BLANKET BANS

Restrictive licensing requirements affect justice-involved people more than those without a criminal conviction.<sup>50</sup> Many licensing boards utilize “blanket bans,” or bans which automatically disqualify an individual with a criminal history from obtaining a license. This ban applies even if the conviction has no direct relationship to the occupation being pursued.<sup>51</sup> As such, many relatively low-skilled positions, such as a veterinary technician, are completely inaccessible for justice-involved people in Oklahoma.<sup>52</sup> Furthermore, once a license has been denied, justice-involved people face challenges in appealing the decision.<sup>53</sup>

In 2017, Governor Mary Fallin pushed the legislature to set aside \$20 million for the Critical Occupations Fund.<sup>54</sup> This fund is designed to provide greater access to skilled jobs that are in high demand. Of the 60,000 unfilled jobs in Oklahoma, 18,000 (or 30%) of these unfilled jobs are in high growth industries like healthcare and trucking.<sup>55</sup> However, even with this initiative, blanket bans still bar people with criminal convictions from entering these professions.

## OCCUPATIONAL LICENSING REFORM EFFORTS

In January 2018, the Occupational Licensing Task Force, commissioned by Governor Mary Fallin, released a report on the state of occupational licensing in Oklahoma. The Task Force Report criticized Oklahoma's occupational licensing policies and offered multiple recommendations to ease the burden that licensing requirements place on employers and justice-involved people.

### TASK FORCE SUGGESTIONS

- **Establish an Independent Commission** to ensure progress on proposed reforms
- **Create a Legislative Review Committee** to provide oversight for licensing boards
- Continue work on a public, **comprehensive database of licensing requirements**

### OCCUPATIONAL LICENSING RECOMMENDATIONS

- **Eliminate all blanket bans** to occupational licensing based on felony and misdemeanor convictions
- Ensure restrictions based on prior convictions have a **nexus between the offense and the license** being sought
- Provide an accessible **appeals process** for addressing denied license applications

## PAST-DUE CHILD SUPPORT CHALLENGES

*Nationally, roughly 2.5 million children have a parent in prison and 40% of past-due child support is owed by parents who have criminal records and no income.*<sup>56</sup>

Some justice-involved people are parents who are required to make child support payments. Given that incarcerated people cannot work to earn income, these parents cannot afford to make child support payments while in prison. If these parents do not get a modification of the payments they are required to make, past-due child support will build up while they are incarcerated.

Currently, Oklahoma has policies and procedures that allow for modification and reduction of child support payments while a parent is incarcerated. Once the incarcerated parent has been in jail or prison for 6 months—and if Child Support Services is notified of the incarceration—a child support obligation may be modified. Unfortunately, Child Support Services may not be notified in all cases and not all parents are aware that they can pursue a modification.<sup>57</sup>

If incarcerated parents do not get a modification to reduce the amount they owe, child support debt will continue to build and compound over the course of their time in prison.<sup>58</sup> To make matters worse, past-due child support payments can be garnished from bank accounts and paychecks.<sup>59</sup> For justice-involved parents in the U.S., the average amount of child support debt is \$36,500.<sup>60</sup>

For parents who owe past-due child support, because of their incarceration, there

is a strong incentive to avoid legitimate employment and seek under the table jobs to avoid wage garnishment. Often, this kind of work involves illegal activities, increasing the odds that an individual will be arrested and incarcerated again. This under the table employment causes Oklahoma to lose vital tax revenue.<sup>61</sup>

If justice-involved parents do not know about the child support modification process, they may reenter society only to find that their bank accounts have been levied and wages garnished.

*Learning that their wages have been garnished may be the first time a justice-involved person discovers the past-due payments have accrued while they were incarcerated.*<sup>62</sup>

Justice-involved parents need more education about child support payment plan modification. If justice-involved parents can be released with manageable payments, they can enter the already fraught workforce without the additional burden of past-due payments and the risk of garnishment.

## PAST-DUE CHILD SUPPORT RECOMMENDATIONS

### Educate Justice-Involved Parents About Child Support Modification

- Educating justice-involved people on the modification process will minimize under the table jobs and increase workforce involvement
- For example, Child Support Services presents **information outreach** to the Federal Correctional Institution in El Reno, Oklahoma to inform justice-involved parents about the child support process<sup>63</sup>

- A 1-hour presentation explains common occurrences, such as, having a child born while incarcerated and what steps to take when a child support case is opened

**Provide Accessible Forms to Justice-Involved Parents**

- Nebraska implemented a **modification handbook and video project** to make the child support modification forms and process accessible to incarcerated parents<sup>64</sup>

## **BARRIERS TO HOUSING**

Finding stable, affordable housing is a serious challenge for justice-involved people and reliable housing is an integral piece to overcoming barriers to employment.

Private landlords often require tenants to disclose convictions or get background checks when applying for a lease. Studies show that 43% of landlords state they would be inclined to reject an applicant with a criminal conviction.<sup>65</sup> Unfortunately, discrimination based on a criminal record alone is not prohibited under the Fair Housing Act.<sup>66</sup>

Many justice-involved people have discovered that public housing authorities may not accept tenants with felony convictions. Federal housing assistance programs ban sex offenders and people who have committed certain drug crimes.<sup>67</sup>

Local housing authorities have independent discretion to create even more restrictive practices; in Tulsa and Oklahoma City, housing authorities even consider “certain patterns of arrest” sufficient to justify banning tenants.<sup>68</sup>

Some justice-involved people stay with friends or at shelters, but these arrangements come with problems. In these places, justice-involved people may be exposed to conditions that trigger substance abuse issues while shelter policies may restrict access to jobs that require odd hours.<sup>69</sup>

## **HOUSING RECOMMENDATIONS**

### **Apply for Public and Private Grants**

- The Federal Department of Housing and Urban Development has several funding and grant options available to address housing issues such as Community Development Block Grants, Section 8 Vouchers, and Emergency Shelter Grants Program<sup>70</sup>

### **Establish Risk Mitigation Funds**

- An “**insurance-like**” protection for **landlords** that provides reimbursements in the case of “excessive damages to the unit, lost rent, or legal fees beyond the security deposit”<sup>71</sup>



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