



Florida Action Committee, Inc.
6615 W Boynton Beach Blvd #414
Boynton Beach, FL 33437
833-273-7325 (toll free)
www.floridaactioncommittee.org

October 28, 2022

Secretary Marcia L. Fudge
U.S. Department of Housing and
Urban Development
451 7th Street, S.W.
Washington, DC 20410

**SENT VIA CERTIFIED
US MAIL**

**RE: HUD's MANDATORY PROHIBITION
FOR LIFETIME SEX OFFENDERS**

Dear Secretary Fudge:

I am President of the Florida Action Committee, Inc. (FAC), a 2500+ member non-profit organization that advocates for public safety and laws based on empirical research. Our focus is on the Florida Sex Offender Registry.

Last week I wrote to you concerning the dangerous lack of compliant housing for persons required to register and the homelessness crisis it has been causing. The primary cause is sex offender residency restrictions which effectively banish these individuals from the overwhelming majority of, if not all, the housing in certain Florida counties. This week I am writing to you concerning a secondary cause; HUD's mandatory prohibition for "lifetime" sex offenders from housing assistance.

24 CFR § 5.856, § 960.204(a)(4), and § 982.553(a)(2) prohibit housing assistance to a *household* if *any member of a household* is subject to a state lifetime sex offender registration requirement. In Florida, every registrant is a "lifetime" registrant because Florida mandates lifetime registration for everyone on its registry (see: §943.0435 Fla. Stat.), irrespective of the offense.

Not only does this prohibition create housing barriers for people on the registry, but for every member of their household, including spouses and children who have no criminal history. While the regulations provide that an O/A or PHA must offer the family the opportunity to remove the ineligible family member from the household, you are placing families in a position where they are forced to kick out a spouse, parent, or child in order to maintain their own housing. Family support and housing stability are among the two greatest mitigating factors to risk.

Not only does this prohibition create housing barriers for people on the registry *in Florida*, but also for the 26,969 people who are on the Florida registry but reside outside of Florida. The State of Florida keeps people on its lifetime registry even after they moved out of Florida or if they merely visited Florida for three or more days, even if they have been removed from their home-state's registry. By virtue of their continuing presence on Florida's lifetime registry, they and their family, are ineligible for housing assistance in other states.

In furtherance of our mutual goal of improving public safety and providing foundations upon which returning citizens can rebuild their lives, I am writing to respectfully request you reconsider this policy. Persons convicted of a sexual offense have far lower recidivism rates than almost all categories of offense, yet they are the ones carved out. If they are genuinely of particular concern, wouldn't we want to ensure they, as a priority, have the tools and resources necessary to mitigate risk?

Again, I would greatly welcome the opportunity to discuss this important issue with you further and provide additional research for your consideration.

Respectfully Submitted,
/s/ Gail Colletta
Gail Colletta, President

Cc: José Alvarez
H.U.D. Region IV Regional Administrator
40 Marietta Street, N.W., 2nd Floor
Atlanta, Georgia 30303-2806

Vice President Kamala Harris
The White House
Office of the Vice President
1600 Pennsylvania Avenue, N.W.
Washington, DC 20500