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Sex Offender  
Registration and  
Notification Policies:  
Summary and  
Assessment of  
Research on Claimed  
Housing Impacts on  
Registered Offenders

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This research brief summarizes the Federal Research Division's (FRD's) review and assessment of literature on SORN (sex offender registration and notification policies) and jurisdiction-specific residency restrictions' purported impacts to offenders' housing. As part of a larger paper analyzing research on the effects of nearly two decades of federal, state, and local sex offender registration and notification laws, we reviewed nine papers published between 2005 and 2015 that addressed or touched upon whether SORN or state and local residency restrictions have impacted the following: the ability of registered sex offenders (RSOs) to find housing, the ability of RSOs to maintain housing, the quality of RSOs' neighborhoods, and/or the rates of RSO homelessness. Further summary and critical analysis of research methodologies underlying five additional subject areas—SORN effects on RSO employment and finances, RSO perceptions of SORN, SORN effects on RSO emotional and physical well-being, SORN impacts to families of RSOs, and SORN impacts to juvenile RSOs—are addressed in a separate brief. As policymakers often look to researchers to inform their decision-making, it is critical to not merely rely on conclusions drawn, but to assess the strength of findings and quality of research.

## Select Statistical Terms and Explanations

Sound practices in maximizing statistical validity include the random selection of subjects, collecting data on all variables with potential impact, the random assignment of subjects to experimental groups and control groups, and collecting data on outcomes before and after experimental treatment.

**External validity** refers to the extent to which a study's findings can be generalized to other populations. It can be compromised by a number of factors, including employing a nonrandom selection of subjects for study; this is also termed "non-probability sampling" or "convenience sampling." A consequence of nonrandom sampling is that findings can only be applied to the subjects in the sample; inferring such findings to populations outside the study is not sound.

**Statistical conclusion validity** refers to whether one variable and another are related, as well as the strength of their relationship. It "holds when the conclusions of a research study are founded on an adequate analysis of the data [and] adequate statistical methods are used." It is compromised by the misuse of statistical analyses and small sample sizes; small samples may not have sufficient information to validly determine whether or not a relationship exists between variables.<sup>1</sup>

A **confounding variable** is a variable "not ... considered in an observational study or experiment, but which may be, at least, partially responsible for the observed outcomes. Experimental design methods use randomization to minimize the effect of confounding variables."<sup>2</sup>

**Sampling bias** (or selection bias) is a "systematic tendency for a sampling procedure to include [or] exclude units of a certain type. For example, in a quota sample, unconscious prejudices or predilections on the part of the interviewer can result in selection bias. Selection bias is a potential problem whenever a person has latitude in selecting individual units for the sample; it tends to be eliminated by probability sampling schemes in which the interviewer is told exactly whom to contact (with no room for individual choice)."<sup>3</sup>

**Ordinal data** is derived from the assignment of values to variables with natural, ordered categories (e.g., responses such as "Strongly Disagree, Disagree, Neither Agree nor Disagree"), but distances between the variables are unknown. Generally, calculating averages or standard deviations of ordinal data is not mathematically sound because equal distance between the categories cannot be assumed.

FRD analyzed nine publications that, at a minimum, touched upon impacts to RSO housing: five studies relied on data self-reported by RSOs in surveys or interviews; three studies analyzed data collected by government agencies; and one study employed a quasi-experimental audit methodology, examining how landlords respond to potential tenants with a criminal conviction. The studies varied in terms of whether they addressed purported effects from SORN, state and local residency restrictions, or both. While all studies focused entirely or in part on RSOs and housing, varying sampling sizes and sampling populations in different states, along with significant deficiencies in methodological approach, made comparisons between the data and findings difficult. For these reasons, we do not present data and findings side by side here, but rather give brief narrative summaries. Due to flaws in the quality of the research, the literature also did not provide enough evidence to draw conclusions about the relationship between SORN, residency restrictions, and purported housing challenges for RSOs.

Many publications addressed multiple aspects of SORN and residency restriction impacts to RSO housing; some also discussed other purported impacts to RSOs, such as finances or emotional and psychological well-being. For the purposes of this discussion, FRD focused only on those parts of the research discussing impacts to housing.

## Residency Restrictions

Residency restrictions limit the areas in which RSOs are allowed to live. However, these policies are not established by federal law. Instead, they are enacted at the state and local level, and are in addition to existing SORN requirements. Only those RSOs living in jurisdictions that have enacted residency restriction laws are subject to them.

## Ability Of RSOs To Find Housing

Three of the nine studies explored, in depth or in part, whether the status of being an RSO had any effect on the ability of RSOs to find housing—either landlords’ willingness to show or rent apartments to RSOs, or RSOs’ difficulty in procuring affordable housing.<sup>4</sup> One study specifically focused on the issue of landlord willingness to rent by using testers posing as RSOs who called asking to be shown apartments.<sup>5</sup> Two other studies employed surveys targeting RSO respondents: One included questions on landlords’ reluctance to rent to RSOs based on their status of being registered sex offenders, while another explored the percentage of landlords refusing to rent to RSOs due to residency restrictions.<sup>6</sup> Each study explored some measure of the challenges RSOs encountered. However, problematic research practices resulted in an overall failure to adequately support many of the findings and conclusions presented in the studies. These practices included nonrandom sampling methods leading to sampling bias<sup>7</sup> and a lack of external validity,<sup>8</sup> confounding variables,<sup>9</sup> low response rates,<sup>10</sup> and faulty uses of statistical analyses, such as misuses of t-tests or the Pearson correlation coefficient.<sup>11</sup>

## Ability Of RSOs To Maintain Housing

Five studies queried RSOs' ability to maintain housing—whether RSOs had to move as a result of SORN, residency restrictions,<sup>12</sup> landlord decisions,<sup>13</sup> and/or social pressure from neighbors.<sup>14</sup> All five publications relied on data gathered through surveys. Two surveys, directly or in part, studied the effects of residency restrictions,<sup>15</sup> while others more vaguely surveyed respondents on the challenges they faced maintaining housing. Studies reported varying percentages of RSOs having to move for one or more of these reasons, yet they also suffered from various methodological shortcomings such as nonrandom sampling methods leading to a lack of external validity,<sup>16</sup> a lack of comparison or control groups,<sup>17</sup> confounding factors,<sup>18</sup> low response rates,<sup>19</sup> uncontrolled covariates or a lack of variation in covariates,<sup>20</sup> calculating averages and standard deviations for ordinal data:<sup>21</sup> and inappropriate applications of linear regression, Pearson correlation, and t-tests.<sup>22</sup>

## Quality Of RSOs' Neighborhoods

Of the nine studies, only one looked at the quality of RSOs' neighborhoods—whether RSOs moved to better or worse areas as a result of having to relocate due to their RSO status. This study relied on census tract data and found a roughly even split between RSOs who moved to more “socially disorganized” neighborhoods, those who moved to less disorganized neighborhoods, and those who remained in the same neighborhoods.<sup>23</sup> However, among other issues, the researchers did not use random sampling methods or a control group (the sample consisted entirely of RSOs).

## Rates Of RSO Homelessness/Transience

Two other studies explored the rates of RSO homelessness and transience. One study, comparing a random sample of RSOs and other types of felons, found that rates of homelessness or transience were similar between the two groups.<sup>24</sup> Another study, analyzing data collected by the state of Florida, found that a higher percentage of RSOs in Florida are homeless than in the general population.<sup>25</sup> Still, both studies featured numerous potential confounding variables, such as education levels and limitations to external validity, which researchers did not address.

## Conclusion

Due to limitations enumerated above, the available research we reviewed did not provide conclusive evidence supporting a link between SORN and residency restrictions and consequences to RSOs in finding or maintaining housing. Researchers should structure future studies to include practices such as random sampling, the use of comparison groups, and other proper statistical methods. A robust body of research would be useful to both policymakers and the public to inform future considerations of how sex offender legislation impacts individuals who are registered.

<sup>1</sup> Miguel A. García-Pérez, "Statistical Conclusion Validity: Some Common Threats and Simple Remedies," *Frontiers in Psychology* 3 (August 2012): abstract, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3429930/>.

<sup>2</sup> Christopher Clapham and James Nicholson, "Confounding Variable," in *The Concise Oxford Dictionary of Mathematics*, 5th ed. (Oxford: Oxford University Press, 2014), <https://www.oxfordreference.com/view/10.1093/acref/9780199679591.001.0001/acref-9780199679591-e-581?rskey=yW hJZp&result=13>.

<sup>3</sup> Philip B. Stark, "Glossary of Statistical Terms," website for SticiGui (Statistics Tools for Internet and Classroom Instruction with a Graphical User Interface) course at the University of California, Berkeley, last modified September 2, 2019, <https://www.stat.berkeley.edu/~stark/SticiGui/Text/gloss.htm>.

<sup>4</sup> Douglas N. Evans and Jeremy R. Porter, "Criminal History and Landlord Rental Decisions: A New York Quasi-Experimental Study," *Journal of Experimental Criminology* 11, no. 1 (2015): 21–42, doi: 10.1007/s11292-014-9217-4; Jill S. Levenson and Andrea L. Hern, "Sex Offender Residence Restrictions: Unintended Consequences and Community Reentry," *Justice Research and Policy* 9, no. 1 (2007): 59–73, doi: 10.3818/JRP.9.1.2007.59; Cynthia Calkins Mercado, Shea Alvarez, and Jill S. Levenson, "The Impact of Specialized Sex Offender Legislation on Community Reentry," *Sexual Abuse* 20, no. 2 (2008): 188–205, doi: 10.1177/1079063208317540.

<sup>5</sup> Evans and Porter.

<sup>6</sup> Mercado, Alvarez, and Levenson; Levenson and Hern.

<sup>7</sup> Evans and Porter.

<sup>8</sup> Levenson and Hern; Mercado, Alvarez, and Levenson.

<sup>9</sup> Levenson and Hern.

<sup>10</sup> Mercado, Alvarez, and Levenson.

<sup>11</sup> Evans and Porter; Levenson and Hern.

<sup>12</sup> Jill S. Levenson and Leo P. Cotter, "The Impact of Sex Offender Residence Restrictions: 1,000 Feet from Danger or One Step from Absurd?," *International Journal of Offender Therapy and Comparative Criminology* 49, no. 2 (April 2005): 168–78, doi: 10.1177/0306624X04271304; Mercado, Alvarez, and Levenson.

<sup>13</sup> Jill S. Levenson and Leo P. Cotter, "The Effect of Megan's Law on Sex Offender Reintegration," *Journal of Contemporary Criminal Justice* 21, no. 1 (2005): 49–66, doi: 10.1177/1043986204271676.

<sup>14</sup> Mercado, Alvarez, and Levenson; Elizabeth Ehrhardt Mustaine and Richard Tewksbury, "Assessing Informal Social Control against the Highly Stigmatized," *Deviant Behavior* 32 (2011): 944–60, doi:10.1080/01639625.2010.538361.

<sup>15</sup> Levenson and Cotter, "The Impact of Sex Offender Residence Restrictions"; Levenson and Hern.

<sup>16</sup> Levenson and Cotter, "The Effect of Megan's Law"; Levenson and Cotter, "The Impact of Sex Offender Residence Restrictions"; Levenson and Hern; Mercado, Alvarez, and Levenson.

<sup>17</sup> Levenson and Cotter, "The Effect of Megan's Law"; Mustaine and Tewksbury.

<sup>18</sup> Levenson and Cotter, "The Effect of Megan's Law"; Levenson and Cotter, "The Impact of Sex Offender Residence Restrictions"; Levenson and Hern; Mustaine and Tewksbury.

<sup>19</sup> Mercado, Alvarez, and Levenson; Mustaine and Tewksbury.

<sup>20</sup> Levenson and Cotter, "The Effect of Megan's Law"; Levenson and Cotter, "The Impact of Sex Offender Residence Restrictions."

<sup>21</sup> Mercado, Alvarez, and Levenson.

<sup>22</sup> Levenson and Cotter, "The Effect of Megan's Law"; Levenson and Cotter, "The Impact of Sex Offender Residence Restrictions"; Levenson and Hern.

<sup>23</sup> Elizabeth Ehrhardt Mustaine, Richard Tewksbury, and Kenneth M. Stengel, "Residential Location and Mobility of Registered Sex Offenders," *American Journal of Criminal Justice* 30, no. 2 (2006): 177–92, <https://link.springer.com/content/pdf/10.1007/BF02885890.pdf>.

<sup>24</sup> Wesley G. Jennings, Kristen M. Zgoba, and Richard Tewksbury, "A Comparative Longitudinal Analysis of Recidivism Trajectories and Collateral Consequences for Sex and Non-Sex Offenders Released since the Implementation of Sex Offender Registration and Community Notification," *Journal of Crime and Justice* 35, no. 3 (2012): 356–64, doi: 10.1080/0735648X.2012.662062.

<sup>25</sup> Jill S. Levenson et al., "Where for Art Thou? Transient Sex Offenders and Residence Restrictions," *Criminal Justice Policy Review* 26, no. 4 (2015): 319–44, doi: 10.1177/0887403413512326.