



Fair Chance Housing: Removing Barriers to Housing for People with Criminal Records

May 23, 2018

Augustine Cita
Sharon Jones
Alex Bergstrom
Erika Pablo



Seattle
Office for Civil Rights

AGENDA

- **Nuts & Bolts of Fair Chance Housing and Q&A**
 - Erika Pablo
 - **Community Panel Discussion and Q&A**
 - Augustine Cita, Sharon Jones, Alex Bergstrom, and Erika Pablo
-

Nuts & Bolts of Seattle's Fair Chance Housing Ordinance

Seattle Office for Civil Rights



Race & Social Justice



Administrative



Policy



Enforcement

History: Community-Driven Call to Action

2010

Jubilee Women's Center (formerly Sojourner Place) and Village of Hope call on City to address barriers to rental housing and employment.

2011

Over 300 people participate in 2 community forums. Two-thirds are in support of City taking action to address barriers.

2013

City of Seattle passes Job Assistance Ordinance, now called Fair Chance Employment.

2015

Community groups bring issue to HALA process.
FARE Coalition holds community forum to raise awareness.

2016

City of Seattle convenes Fair Chance Housing Stakeholder Committee.

2017

City of Seattle passes the Fair Chance Housing Ordinance.

The Law



Creates Seattle's Fair Chance Housing Ordinance (SMC 14.09)

Applies to all rental housing transactions

Became effective February 19, 2018

Removing Barriers to Equity

Racial equity

Racial disparities in the criminal justice system and racial bias in tenant selection lead to compounded impacts for communities of color.

Family reunification

Nearly half of all children in the U.S. have one parent with a criminal record. Black children are 7.5 times more likely and Latinx children are 2.6 times more likely than white children to have a parent in prison.

Building inclusive communities

A person without stable housing is 7 times more likely to reenter the criminal justice system after returning from prison.

Addressing homelessness

One in five people who leave prison become homeless soon thereafter.

Protections



Photo credit: photos-public-domain.com

Who can file? Any person seeking to lease, sublease, or rent real property, a tenant, or any person who suffers harm due to a person's violation of Chapter 14.09

Only applies to rental housing.

Overview

Advertising

Prohibits housing providers from excluding applicants with a criminal record.

Notice

Requires housing providers to provide notice of the new protections on applications.

Screening

Prohibits persons from requiring disclosure, inquiring, or using criminal record information except for sex offender registry information (juvenile exception).

Sex Offender Registry

If housing providers takes adverse action against an applicant based on criminal record, landlord must demonstrate nexus between the policy/practice and resident safety and/or protecting property and conduct individualized assessment.

Retaliation Protection

Prohibits retaliation for participating in asserting rights under the law.

Advertisements

Prohibits language in advertisements that categorically exclude people with arrest records, conviction records, or criminal history

Great studio for rent!
\$1200 per month.
Credit and background
check \$40 per adult.
No criminal records
allowed.

NO, you cannot do this

Notice on Application

Under Seattle's Fair Chance Housing Ordinance SMC 14.09, landlords are prohibited from requiring disclosure, asking about, rejecting an applicant or taking an adverse action based on any arrest record, conviction record, or criminal history, except for registry information (SMC 14.09.025(A)(3)) or exclusions and other legal requirements in SMC 14.09.115

RENTAL APPLICATION

Under Seattle's Fair Chance Housing Ordinance, SMC 14.09, landlords are prohibited from requiring disclosure, asking about, rejecting an applicant, or taking an adverse action based on any arrest record, conviction record, or criminal history, except for registry information (SMC 14.09.025 (A)(3)), or exclusions and other legal requirements in SMC 14.09.115.

Applicant Information		
Name:		
Date of birth:	SSN:	Phone:
Current address:		
City:	State:	ZIP Code:

Screening

It is unfair practice for persons to require disclosure, inquire about, or take an adverse action based on:

- Arrest record
- Conviction record
- Criminal history (includes pending charges, juvenile records, deferred sentences, and dismissals)

✱ Adverse action = denying tenancy, eviction, failing or refusing to add an individual to a lease, applying different terms or conditions

Using Registry Information

Housing providers are prohibited from carrying out an adverse action based on registry information:



For a prospective juvenile occupant



For a prospective adult occupant if the conviction occurred when the person was a juvenile

For a prospective adult occupant if the conviction occurred when the person was an adult



• UNLESS the housing provider has a legitimate business reason



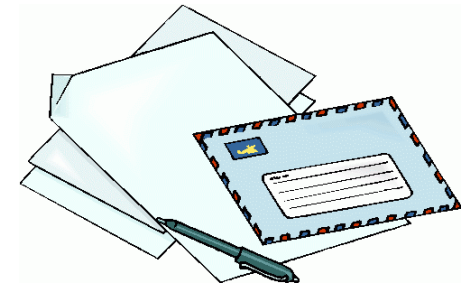
Legitimate Business Reason

1. **Demonstrate a nexus** between the policy/practice and resident safety and/or protecting property; and
2. **Consider the following factors:**
 - Nature and severity
 - Number and type
 - Time elapsed since date of conviction
 - Age of individual at the time of conviction
 - Evidence of good tenant history
 - Supplemental information

Supplemental Information

An applicant can provide some of the below information to the housing provider:

1. Statement from tenant, employer, previous landlord, judge, probation officer, clergy, counselor, social worker, community organization, etc.
2. Certificate of rehabilitation, education or vocational training program, drug or alcohol treatment program, etc.



[This Photo](#) by Unknown Author is licensed under [CC BY-NC-SA](#)

Additional Details

If an applicant or tenant is denied, the landlord:



Must provide written notice and state specific registry information that was the basis for denial



Must provide name and address of consumer reporting agency to address incorrect records



Is prohibited from retaliating against the applicant or tenant

Retaliation

Landlords cannot take any adverse action against a person because they exercised rights protected under 14.09, including the filing of a civil rights complaint.

If an adverse action is taken against a person within **90 days** of the exercise of a right protected under this ordinance, it will be presumed to be retaliatory. Anyone accused of retaliation may disprove the presumption by showing that the adverse action was taken for a non-retaliatory reason.

Exclusions

- **Federally assisted housing subject to federal regulations that require denial of tenancy for:**
 - lifetime sex offender registration; or
 - conviction of methamphetamine production in public housing
- **Rental housing where owner occupies part of the unit**
- **Accessory dwelling unit or detached accessory dwelling unit where owner maintains permanent residence on same lot**



SOCR Investigation

Requirements to File

-
- Issue is covered under the laws we enforce
 - Occurred in the City of Seattle
 - Incident happened within 1 year
 - Covered business is involved
-

A Step by Step Guide to

» Filing a Claim of Discrimination

1. Charging party contacts us

2. Intake meeting with charging party

3. File a charge

4. We investigate the case

The charging party signs the complaint.



SOCR contacts the respondent



An investigator meets with the charging party to go over the case in detail.



The investigator conducts interviews and gathers evidence.

5. Possible case outcomes

» "Reasonable Cause"

» Conciliation

» Settlement

» Withdrawal

» "No Reasonable Cause"

» Administrative closure

What to Expect in an Investigation



Does it cost money to file a charge?

No. SOCR's services are free.

How long does a person have to file a charge?

One year from the incident.

How long does it take to investigate a case?

The goal is 100 days. Each case is different and may take more or less time depending on the circumstances.

What to Expect in an Investigation



Do I need to reveal my immigration status?

No. For civil rights cases, our staff will not ask about immigration status.

Can non-English speakers file a charge?

Yes. SOCR provides free language interpretation.

What should I do to prepare before the intake interview?

- Note the details of what happened.
- Make a list of possible witnesses with phone numbers.
- Gather documents.

Seattle Office for Civil Rights



Ask a question or file a complaint:

Phone: (206) 684-4500

Fax: (206) 684-0332

TTY: (206) 684-4503

Web: seattle.gov/civilrights

Email for tenants: discrimination@seattle.gov

Email for landlords: discriminationquestions@seattle.gov

Community Panel Discussion

Community Panel Discussion

What led you to this work?

Community Panel Discussion

What were the successes and challenges of this process?

Community Panel Discussion

What do you see as next steps?

Community Panel Discussion

**What advice do you have
for others trying to create
Fair Chance Housing
legislation?**

Community Panel Discussion

What advice would you give to policy makers trying to do this work with community?



THANK YOU.