

# Seattle's Fair Chance Housing Ordinance

## **Welcome to the webinar! Please note:**

- All participants are muted.
- Questions during the webinar are encouraged! Please submit questions via the control panel to the right. We will do our best to respond during the webinar but may need to follow up later over email.
- A recording of this webinar and the slides will be posted at [wliha.org/resources/webinars-and-tools](http://wliha.org/resources/webinars-and-tools)



**Seattle**  
Seattle Office for Civil Rights



WASHINGTON LOW INCOME  
**Housing Alliance**

# Fair Chance Housing

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August 9, 2017

Erika Pablo



**Seattle**  
Office for Civil Rights

# Road Map

## 1. History of Legislation

## 2. Current state

## 3. Fair Chance Housing

- Goals
- Details

## 4. Council Amendments

# History: Community-Driven Call to Action

2010

Sojourner Place Transitional Housing 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 Council 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 convenes Fair Chance Housing Stakeholder Committee.

# Current State

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# Current State: The Problem of Mass Incarceration

- Approximately **30%** (173,714) of Seattle residents over the age of 18 have an arrest or conviction record **7%** (43,428) of Seattle residents have a felony record.
- An average of **100 people a day** are released from King County jails.
- Each year, an average of **1,400** people return home to King County once released from the Washington State Department of Corrections.

# Current State: Racial Disparities in Criminal Justice

## Arrests in King County

**1 in 38** Black individuals will be arrested

**1 in 56** Native Americans will be arrested

**1 in 200** White individuals will face arrest

## Juvenile Justice

**Less than 13%** of King County youth are Black, but Black youth comprise **50%** of the youth held in King County 's juvenile detention center.

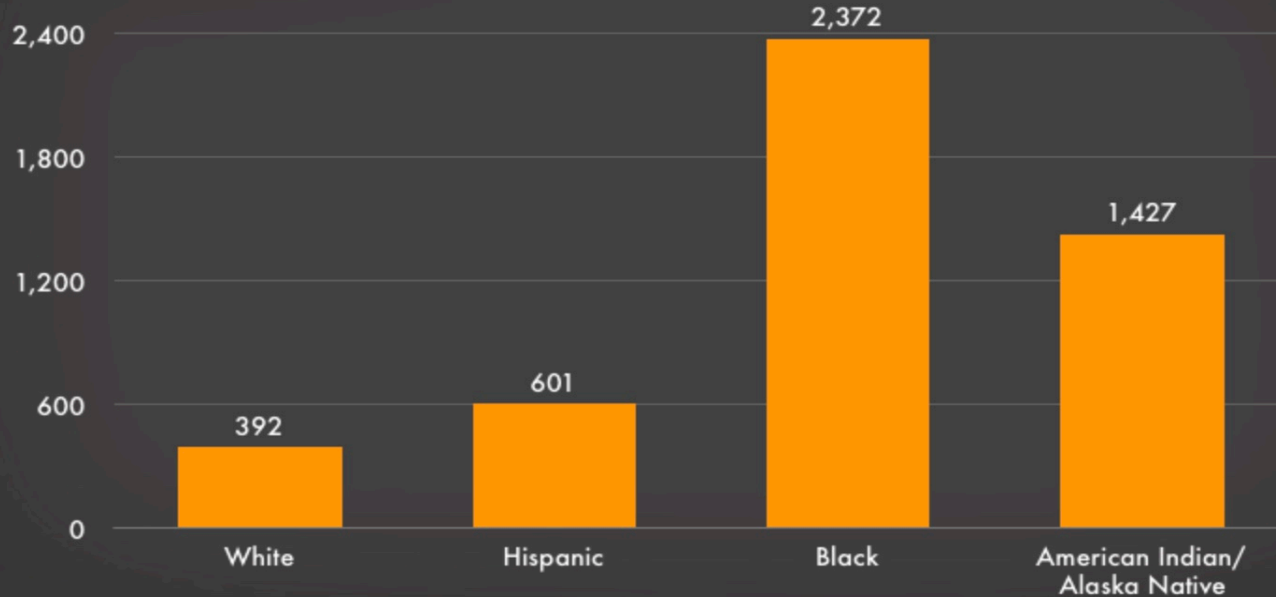
## Disparities in Sentencing

In WA, people of color receive longer sentences than similarly situated white defendants.

# Current State: Racial disparities in Incarceration

## WASHINGTON INCARCERATION RATES BY RACE/ETHNICITY, 2010

(Number of people incarcerated per 100,000 people in that racial/ethnic group)



**PRISON**  
POLICY INITIATIVE

Source: Calculated from U.S. Census 2010 Summary File 1. Incarceration populations are all types of correctional facilities in a state, including federal and state prisons, local jails, halfway houses, etc. Statistics for Whites are for Non-Hispanic Whites.



# Current State: Removing Barriers to Housing

**More than half** of the national homeless population has a history of incarceration

**80%** of national survey respondents were denied housing because of their criminal record

**Four out of five** landlords screen out prospective tenants with criminal records

Yet studies show that **criminal history is not predictive of successful tenancy**

# Current State: HUD Guidance and WA Fair Credit Reporting Act

In April 2016, HUD issued guidance on the use of criminal records in housing.

- **Screening** criteria must be shown to be necessary to serve a “substantial, legitimate, nondiscriminatory interest.”
- **Landlords** should consider several factors, such as the nature and age of individual for any conviction, before using criminal history as a basis to deny housing.

**WA state law prohibits screening companies from reporting records older than 7 years. There is no current state regulation on landlords.**

# Fair Chance Housing Legislation

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# Goals of Fair Chance Housing

## **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 Hispanic children are 2.6 times more likely than are white children to have a parent in prison.

## **Building inclusive communities**

A person without stable housing is 7 times more likely to reoffend after returning from prison.

## **Addressing homelessness**

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

# FCH: Restricts Use of Criminal History

## Landlords may not consider:

- Arrests that did not lead to conviction
- Pending criminal charges
- Convictions that have been expunged, vacated or sealed
- Juvenile records
- Information for a juvenile applicant/tenant on the Sex Offender Registry
- Convictions older than 2 years

# FCH: Allows Consideration of Recent Convictions with Justification

## Landlords may consider:

- Convictions less than 2 years old
- Status of an adult applicant/tenant on the Sex Offender Registry

## Justification:

- A landlord must have a **legitimate business reason** to deny, evict or take other adverse action based on a conviction older than 2 years or on status of an adult applicant/tenant on the Sex Offender Registry

# FCH: Legitimate Business Reason Required

To establish a legitimate business reason, a landlord must:

1. **Demonstrate a nexus** between the specific criminal conviction and resident safety and/or property; **AND**
2. **Consider an applicant's history** including:
  - nature/severity of the conviction
  - number/types of convictions within the 2 year period
  - age of the individual at the time of conviction
  - evidence of good tenant history before/after the conviction occurred
  - any supplemental information related to the person's rehabilitation, good conduct or facts/circumstances surrounding the conviction provided by the applicant

# FCH: Additional Details

- Prohibits language in **advertisements** that categorically exclude people with arrest or conviction records
- Requires **notice of this law** to be included on the rental application
- Requires landlord provide name/address of consumer reporting company so applicant may address **erroneous records**
- **Prohibits retaliation** against an applicant/tenant if a claim is filed



# FCH: What Housing Doesn't Apply?

**Fair Chance Housing applies to all rental housing in Seattle except:**

- Shared occupancy units (renting or subleasing a room)
- Buildings with 4 or fewer units where the owner lives onsite, including accessory and detached accessory dwelling units
- Some federally assisted housing where federal law requires banning people
  - convicted of methamphetamine production in public housing, or
  - subject to lifetime sex offender registration

# FCH: Application with First in Time

## Landlords must provide notice of:

- All screening criteria, including criminal history criteria
- How to request additional time to complete application

## Additional Information:

- If the landlord needs more information to make a decision, the landlord must give the applicant 72 hours to provide additional information

Landlords must offer tenancy to first person who meets their screening criteria.

# FCH: Seattle Office for Civil Rights Enforcement

## Investigation by SOCR

- Applicant/Tenant contacts SOCR, does intake, and signs a complaint
- SOCR Investigator contacts Landlord (Respondent)
- SOCR Investigator conducts interviews and gathers evidence

## Possible Outcomes:

- **No Reasonable Cause** – evidence does not support a violation
- **Reasonable Cause** – evidence supports a violation
- **Settlement** – a voluntary, negotiated agreement
- **Administrative Closure or Withdrawal**

# City Council Amendments

Approved at by City Council Committee on 8/8/17

- 1. Technical Amendments**
- 2. Recital and Evaluation Amendments**
- 3. Sex Offender Registry Amendment**
- 4. No Look Back Amendment**
- 5. Four Units or Fewer Amendment**

Questions?

What can you do?



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# Contact your councilmember

Find your councilmember: [bit.ly/seattledistrict finder](https://bit.ly/seattledistrictfinder)

[sally.bagshaw@seattle.gov](mailto:sally.bagshaw@seattle.gov)  
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[206-684-8016](tel:2066848016)

***“I support Council Bill 119015 with its current amendments, and urge you to vote yes on fair chance housing!”***



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# Sign your organization onto our statement of support

## Housing and homelessness community statement of support for Seattle's proposed Fair Chance Housing Ordinance, Council Bill 119015

August 2017

Seattle City Councilmembers,

The undersigned organizations express our support for Council Bill 119015, the Fair Chance Housing Ordinance.

This ordinance will eliminate a significant barrier to housing by prohibiting landlords from denying housing based on an applicant's involvement with the criminal justice system and could be a game-changer that would address a central factor causing disproportionate experiences of homelessness among communities of color, especially among African Americans. We support the legislation and commend the Mayor and CM Herbold for leading this effort, but we urge the council to adopt amendments to eliminate the two-year look-back period and to eliminate the exemption of four-plexes.

The housing community has worked for many years at the state level to eliminate the unfair barriers to housing that are created by the increased use of tenant screening reports. Together, we have successfully changed state law to regulate tenant screening reports to protect survivors of domestic violence, require that tenants be given a copy of the report, require an adverse action notice when tenants are denied housing, and we have limited the reporting of eviction records. However, significant barriers remain, including the use of criminal records to deny housing. Four in five landlords have blanket policies that deny housing to applicants with a criminal record. This practice has significant and disproportionate impacts on communities of color, especially African American communities.

The Seattle Office for Civil Rights explained the nexus between the proposed ordinance and racial equity in a May 2017 briefing to council, "Racial equity is central to the issue of fair chance housing. People of color face compounding effects of criminal records due to racial bias in tenant selection as well as racial disparities in the criminal justice system. In 2014, 64% of OCR's fair housing tests found incidents of different treatment based on race. In some cases, African Americans were told they would have to undergo a criminal record check when similarly situated white counterparts were not."

The Office for Civil Rights further explained, "In Washington State, African Americans are 3.4% of the overall population, but account for nearly 18.4% of the state's prison population; Latinos are 11.2% of Washington's population, but account for 13.2% of the state's prison population; and Native Americans are 1.3% of the state population, but account for 4.7% of the state's prison population."

Sign on at  
**[bit.ly/fairchanceletter](https://bit.ly/fairchanceletter)**

Deadline:  
Fri. August 11, 4pm



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# Show up for the full council vote



Monday, August 14, 2:00pm  
Seattle City Hall, 600 Fourth Ave  
Council Chambers on Floor 2



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# Stay in the loop

Sign up for Housing Alliance  
email action alerts at  
**[bit.ly/housingallianceemails](https://bit.ly/housingallianceemails)**



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# Thank you!

For more questions about taking action or getting involved, contact Teresa Clark at [teresac@wliha.org](mailto:teresac@wliha.org)

For questions about the ordinance or technical assistance, contact Erika Pablo at [erika.pablo@seattle.gov](mailto:erika.pablo@seattle.gov)



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