Seattle City Council
Memorandum

Date: February 16, 2016

To: Mayor Ed Murray

From: Councilmember Lisa Herbold
Councilmember M. Lorena González
Councilmember Debora Juarez
Councilmember Mike O'Brien

Subject: Recommendation for the Fair Chance Housing Committee's Scope of Work

Thank you for leading the City of Seattle in creating pathways to help address the housing affordability crisis and ensuring our City creates equitable housing access for everyone. The Fair Chance Housing committee will be vital to helping achieve the City's goals to decrease homelessness and reduce dependency on our limited public services and will inform the final legislative proposal. It's important to consider the work that has brought us to this moment.

1. In 2012, Councilmember O'Brien and former Councilmember Licata requested the Seattle Office of Housing address the issues of barriers created to accessing housing when providers rely on criminal background screenings to select tenants. This resulted in the development of Tenant Screening Agency Guidelines, intended to assist housing organizations when they contract for screening services by producing high-quality screening reports and increasing access to housing for people with criminal records.
2. In December 2014, All Home, *formerly Committee to End Homelessness King County*, released a report that made recommendations for refining the coordination of entry and assessment processes (CEA) for families experiencing homelessness in King County. The report found that there were approximately 77 different screening criteria used by publically funded housing providers, resulting in some families failing to receive referrals or being rejected multiple times. To address this finding, the report recommended engaging in a concerted effort to "remove as many program entry criteria as possible and standardize those remaining."
3. In July 2015, the Housing Affordability and Livability Agenda recommendations were in line with prior findings and suggested strategies: *"The City should pursue a combination of local legislation, education, and technical assistance to ensure fair access to Seattle's housing options for people with criminal records. Any legislation should provide fair access to people with criminal records yet protect property owner's rights and interests."*

In summary, regional and local elected officials and advocates have discussed the need to move expeditiously on this issue since 2012. In the interest of promptly moving our shared goals forward, we request that you consider including the following administrative and policy parameters as part of the Fair Chance Housing Committee's scope of work.

Administration Parameters for the Fair Chance Housing Committee:

1. **Inclusion of public meetings to ensure that all stakeholders and particularly those tenant applicants most impacted by the issue have their voice heard.** In order to provide community an opportunity to engage and understand the Committee's work, we believe it is critical to designate a set number of meetings that are open to the public. Prior mayors have allowed the chairs of advisory committees to carve out time in their work plans to engage community via public hearings.[1]
2. **Timeline.** The Committee will send recommendations to Council for review in early July 2016.
3. **Council Participation.** Councilmember and/or Council staff participation at Committee meetings.

Policy Elements for the Fair Chance Housing Committee:

1. **Prioritize Racial Justice**
    - Ensure that the recommendations and any process related to it consider the racial inequities in the criminal justice system that has had a disproportionate impact on people of color resulting in criminal records having a greater negative impact on these communities.
    - Ensure that those tenant applicants most impacted by the issues have their voices heard and considered as part of the Committee's recommendations.
    - Develop recommendations to affirmatively further fair housing.
    - Prohibit landlord screening criteria related to criminal records with a disparate impact on protected classes.
2. **Create a Genuine Fair Chance at Housing for All**
    - Include discussion of both public and private landlord practices in the development of recommendations, including a community and landlord education campaign.
    - Include discussion of an opportunity for the applicant to meet with a landlord and position themselves as a good tenant
    - Include discussion of prohibiting advertisements for rental housing that make people with criminal records ineligible to apply ("no felons", "clean background", etc.).
    - Include discussion of prohibiting screening criteria that excludes anyone with a criminal record or a broad category of criminal record.
    - Include discussion on prohibiting automatic denials based on criminal histories. Instead, require a landlord to consider additional information provided by the applicant regarding the criminal record or changed circumstances since the time of conviction or a plea prior to a denial and require that a landlord inform the applicant of his or her right to present evidence, particularly if the conviction or plea was a juvenile offense.
    - Include discussion of prohibiting screening criteria that includes and exclusion of anyone with pending charges or warrants that occurred more than one year ago, consistent with State Law.
    - Consider creation of a "first in line" process to ensure equal access, so that applications are considered on a first come first served basis.

[1] In 2007, for example, Mayor Greg Nickels appointed members to the Police Accountability Review Panel and Chair Terry Carroll incorporated several public hearings.

3. **Principles to Establish Fair Screening Criteria**
    - Landlords' screening criteria should be based upon a business justification related to the requirements of tenancy.
    - Denials should not be based on records that cannot be reported by consumer reporting agencies under State law, such as crimes greater than 7 years since disposition or release, or juvenile records if an applicant is 21 years old or older.
    - Denials should not be based on arrests that result in no charges, pleas and/or convictions.
4. **Strong enforcement**
    - Ensure funding for proactive enforcement including any potential supplemental budget actions or 2017 budget proposals.

We look forward to continuing to work with you and members of the Fair Chance Committee in the coming months and look forward to receiving a response to the suggestions set forth above.

Sincerely yours,

Councilmember Lisa Herbold

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