



FARE Chances Strong Communities

Fair and Accessible Renting for Everyone

Columbia Legal Services

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• FAIR •

Everyone deserves a fair chance to achieve their full potential. We all grow and change over time, and we all need an opportunity to start over when things go wrong. To foster rehabilitation we must provide conditions that allow all people to develop, to rebuild, and to reclaim full responsibility for their lives.

• ACCESSIBLE •

We should all have the tools to meet our own basic needs and the needs of our families. Without social and economic security, it is impossible to access the other rights and responsibilities society has to offer. Strong and effective fair housing laws are a vital tool for ensuring equal opportunity - that includes setting aside unjustified policies that segregate or discriminate in practice.

• RENTING •

A home serves as a foundation for families to build stability and reach their full potential. All families should have an opportunity to live in a safe and healthy home. Fair and effective rental policies will continue to help move our country beyond a legacy of segregation and discrimination and toward opportunity for all. This is about all of us having a chance to live in a neighborhood with the resources to thrive.

• EVERYONE •

We share responsibility for each other, and the strength of our city depends on the vibrancy and cohesiveness of our diverse population. A strong sense of community means we care that there are opportunities for success for *every* person, including people with a criminal record. If everyone is welcome in our communities we can all grow and succeed, but when some people are permanently left out or left behind we are not as strong a community as we could be.

/// Housing is so important. Where we live is really the beginning of our transition in the community. ///

- IF Project participant*

An Unprecedented Number of People Have Criminal Records

The United States has one of the highest incarceration rates in the world. No country has ever imprisoned such a large share of its population. The incarceration rate has increased from 300,000 to 2.2 million in the last 40 years.¹ An estimated one in four Americans have a criminal record today. Each year, more than 700,000 people return to our communities from state and federal prison,² while another 9 million cycle through local jails.³ Still more end up with a criminal record without any period of incarceration.

People of Color are Disproportionately Impacted

Young men of color are dramatically over-represented in the criminal justice system relative to the general population, despite similar rates of crime commission for most crimes.⁴ In 2008, one in eight white male high school dropouts was in prison, up fourfold from 1980. That year, nearly one in four black men without diplomas were behind bars, up from one in ten in 1980.⁵ Although Washington’s total incarceration rate is slightly lower than the U.S. average, its disproportionate incarceration of black people is slightly higher than average.⁶ Racial disproportionality in King County prison sentences is especially pronounced. In 2010, the black prison admission rate was 5.4 times higher than the white rate in Washington State, but 10.4 times higher in King County.⁷ Disproportionality for American Indians and Latinos is also comparatively high in King County.⁸

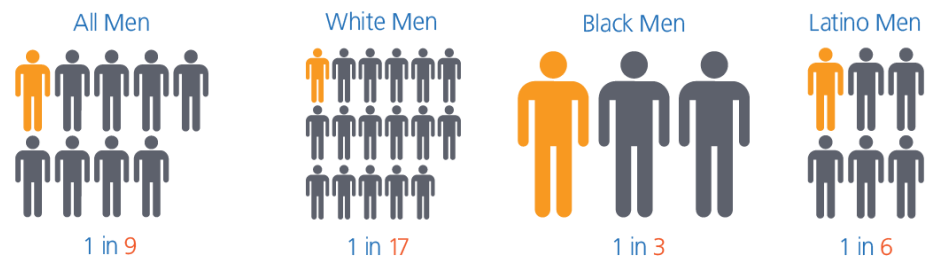
// I have done some great work in preparing to reconnect with my family and the community, but I still have no place to go. No place to call home. //

– IF Project participant

Seattle Landlords Discriminate

A recent fair-housing test revealed that prospective renters experienced different treatment from Seattle landlords based on race and national origin. Black and Latino testers were told about criminal background and credit history checks more frequently than the white testers.⁹ Seattle Mayor Ed Murray commented, “[un]fortunately, housing discrimination is not a thing of the past, but a reality for too many people in Seattle. These test results tell us that we still have work to do to share information with landlords on their responsibilities and with tenants, so they understand their rights.”

Lifetime Likelihood of Imprisonment Nationally



Housing is Essential

Safe housing is foundational to the security and well-being of individuals and families, and to the safety of our communities. Yet many individuals are released from incarceration with no housing awaiting them, and close to one-third expect to go to homeless shelters upon release.¹⁰ Lack of stable housing can make every step of rebuilding one's life and reuniting with ones' family that much more difficult. These unfair practices create lifelong barriers for people and ultimately affect our entire community.

Fair and Balanced Tenant Screening Rules are Needed.

Criminal records are more widely available and easily retrieved than ever before. Even a minor criminal record - including an arrest without conviction - can serve as an absolute obstacle to housing. An estimated four out of five landlords employ background checks to screen out prospective tenants with criminal records.¹¹ Many landlords routinely refuse to rent to individuals with criminal records based on concerns about public safety or the perception that a criminal record is a reliable indicator of a tenant's ability to meet rental obligations.¹² However, a growing body of research finds that these concerns are misplaced. There is no empirical evidence establishing a relationship between a criminal record and an unsuccessful tenancy.¹³ Since research demonstrates that a criminal record is not a reliable indicator for future tenant behavior, it should not serve as a proxy to determine future tenant dangerousness.

Blanket Exclusions Break Families Apart

Over half of all prisoners have children under the age of eighteen.¹⁴ One in fourteen kids, and one in nine black youth, has a parent that is incarcerated. Poor youth are three times more likely to have a parent incarcerated. These children pay a heavy price for their parents' troubles, and suffer if their parents cannot find work and housing as a result of their criminal records.

Impact on Families



2/3 of households with an incarcerated family member are unable to meet basic needs such as housing and food.¹⁵

Many local housing providers have policies that allow for eviction or denial of housing to an individual or even to an entire household if one household member has a criminal record or pending criminal charges. It can lead to homelessness for entire families: when a family living in public housing permits a family member with a criminal record to stay with them, the entire family can end up being evicted.

“ We may be temporarily in prison but we will be out soon and our kids will be counting on us. It is important for there to be a change in the way people screen felons because it is not only my life but my children's lives that are affected. ” - IF Project participant

FARE Housing Moving Forward

Bipartisan momentum for criminal justice reform to address mass incarceration and its collateral consequences is growing. Policymakers are calling for evidence-based policies that give people a second chance and promote public safety and racial equity. Many cities and states have recently taken action to prohibit employment discrimination on the basis of a criminal record.¹⁶ Now communities are challenging housing discrimination by enacting laws that address racial discrimination and establish specific rights. San Francisco recently passed fair-chance housing policies,¹⁷ and Oregon took a first step to address housing discrimination by enacting a law that requires a landlord not to refuse to rent to a tenant on the basis of an arrest record or certain types of criminal convictions.¹⁸ To promote and guarantee the public's safety, Seattle should adopt policies and practices that facilitate the successful reintegration into society of people with criminal records.

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.¹⁹

- *Bans on entire categories of people from housing are neither wise nor fair.*
- *A criminal record should never serve as a barrier to basic necessities such as food, clothing, housing, employment and education.*
- *The criminal justice system disproportionately impacts communities of color. We must have reforms that address this disparity and create a more equitable society.*
- *Maximizing the chance that people with criminal records can fully participate in our community is a critical component of guaranteeing and reinforcing Seattle's interest in a robust community and reduced recidivism.*
- *Tenant screening rules must consider the person as they are now, not as they were.*

/// President Obama recently made clear the importance of second chances—that people who have paid their debt to society deserve the opportunity to become productive citizens and caring parents, to set the past aside and embrace the future. Part of that support means helping offenders gain access to one of the most fundamental building blocks of a stable life— a place to live. ¹⁹ ///

Notes & Resources

1. International Centre for Prison Studies at King's College, London, *World Prison Brief*; Bureau of Justice Statistics, *Correctional Populations in the United States* (2010).
2. U.S. Department of Justice, *Bureau of Justice Statistics*, (2009).
3. The Urban Institute Justice Policy Center, *Jail Reentry Roundtable Initiative* (2006).
4. Task Force on Race and the Criminal Justice System, *Preliminary Report on Race and Washington's Criminal Justice System* (2011).
5. Bruce Western & Becky Pettit, "Punishment and Social Inequality." *Daedalus* (2010).
6. The Sentencing Project, Marc Mauer & Ryan S. King, *Uneven Justice: State Rates of Incarceration by Race and Ethnicity* (2007), available at http://sentencingproject.org/doc/publications/rd_stateratesofinbyraceandethnicity.pdf (last visited Feb. 27, 2011).
7. Katherine Beckett, *Racial Disproportionality in State Prison Sentences in King County and Washington State: A Preliminary Assessment* (2011).
8. Washington Association of Sheriffs & Police Chiefs, *Annual Jail Statistics* (2014). (Many jails do not track data for Latino populations).
9. City of Seattle, Seattle Office of Civil Rights, *City Files Charges Against 13 Property Owners for Alleged Violations of Rental Housing Discrimination* (2015). [Press Release]
10. Center for American Progress, Rebecca Vallas & Sharon Dietrich, *One Strike and You're Out: How We Can Eliminate Barriers to Economic Security and Mobility for People with Criminal Records* (2014).
11. David Thacher, *The Rise of Criminal Background Screening in Rental Housing*, *Law & Social Inquiry* 33 (1) (2008): 5, 12. (Single-family rental firms also commonly screen tenants based on criminal history, and, in some cases, applicants can be turned away based on a criminal conviction). See, for example, *Invitation Homes Rentals*, "Resident Selection Criteria," available at <http://invitationhomesrentals.com/Chicagorentalcriteria11.2012.pdf/> (last accessed Nov. 2014).
12. Merf Ehman & Anna Reosti, *No Crystal Ball – The Lack of Predictive Value of a Criminal Record in Residential Tenant Screening and What It Means for Premises Liability in Washington* (2015), available at <http://www.nyujlpp.org/wp-content/uploads/2013/03/Ehman-Reosti-2015-nyujlpp-quorum-1.pdf>
13. Id. See also Marna Miller & Irene Ngugi, *Impacts of Housing Supports: Persons with Mental Illness and Ex-Offenders*, Washington State Institute for Public Policy (2009).
14. The Ella Baker Center, *Who Pays? The True Cost of Incarceration on Families* (2015).
15. National Employment Law Project, Nayantara Mehta & Michelle Natividad Rodriguez, *Ban the Box: U.S. Cities, Counties, And States Adopt Fair Hiring Policies* (2015).
16. San Francisco Police Code, Article 49, Sections 4901-4920 (enacted February 2014).
17. Oregon State Legislature, *Oregon Legislative Information, 2013 Regular Session, "S.B. 91"* (2013). (Oregon S.B. 91 was passed by the Oregon Legislature and signed into law by Gov. John Kitzhaber (D) in June 2013 and took effect on January 1, 2014), available at <https://olis.leg.state.or.us/liz/2013R1/Measures/Overview/SB91>.
18. Shaun Donovan & Sandra B. Henriquez, *Letter to PHA executive directors* (2011), available at http://csgjusticecenter.org/documents/0000/1130/HUD_letter.pdf.
19. Final Advisory Committee Recommendations to Mayor Edward B. Murray and the Seattle City Council, *Seattle Housing Affordability and Livability Agenda* (2015).

* The IF Project is a collaboration of law enforcement, currently and previously incarcerated adults and community partners. Their work is built upon- and inspired by- people sharing their personal experiences surrounding issues of incarceration.

This report is authored by Martina Kartman under the supervision and guidance of Merf Ehman.

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COALITION FOR A FARE SEATTLE



Columbia Legal Services advocates for people who face injustice and poverty. We seek to achieve social and economic justice for all, using policy reform, litigation, and innovative partnerships to reveal and end actions that harm the communities we serve.



The Tenants Union of Washington State creates housing justice through empowerment-based education, outreach, leadership development, organizing, and advocacy. As a membership organization, the TU's work is grounded in the strong conviction that tenants must be the leaders of efforts to transform our housing conditions and communities.



Post-Prison Education Program works to dramatically reduce recidivism by harnessing the power of education and meeting the legitimate needs of former prisoners. The Post-Prison Education Program provides access to education and unwavering support through wrap around services including tuition, housing, groceries, daycare and intensive mentoring.



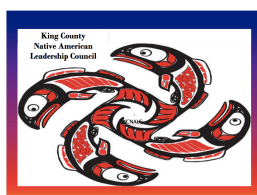
Seattle Women's Commission advises the Mayor, City Council and city departments on issues that impact the women of Seattle. The Commission identifies areas of concern and recommends policy and legislation, provides feedback and opinion on issues of city and state budget, and acts as a liaison between the women of Seattle and City government



Washington Low Income Housing Alliance is a coalition of diverse organizations and individuals working together to build and protect safe, healthy, affordable homes for everyone across Washington State. Along with a strong combination of housing and homelessness organizations, funders, services providers and individual advocates, we work closely with elected officials to turn good ideas into sound policy.



No New Jim Crow Seattle is dedicated to ending mass incarceration in America, beginning in Seattle/King County. NNJC's methods are collaborative, creative, social, political, economic, and nonviolent. We are working to build a society based not on punitive laws, imprisonment, illness and oppression, but on a transformative, compassionate sense of justice and respect for the dignity and well being of all people.



King County Native American Leadership Council attempts to create an identity where First Nations, Indigenous, and our non-Native allies can come together to pursue building community, leadership, employee enrichment and cultural preservation.

COALITION FOR A FARE SEATTLE



Seattle Human Rights Commission was established in 1963 to advocate for justice and equal opportunity, to advise the City of Seattle on human rights issues and to collaborate with public and private sectors in order to educate them on methods to prevent and eliminate discrimination city-wide.



Seattle/King County Coalition on Homelessness advances reasonable solutions and solid program models; to protect and strengthen the civil rights and dignity of people who are homeless and poor; and to accomplish legislative victories that promote housing, human services, and the public good at the local, state and federal levels.



American Civil Liberties Union of Washington State is the nation's premier organization dedicated to defending and expanding civil liberties and civil rights for all people in America. Our job is to conserve America's original civil values- the Constitution and the Bill of Rights.

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