



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

Workshop and Q&A Session for Screening Companies

February 7, 2018



## **The Law**



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

Applies to all rental housing transactions in Seattle

Effective beginning February 19, 2018



## Removing Barriers to Equity

### **Increase racial equity in access to housing**

Aims to address the racial disproportionate impact that exclusionary tenant screening practices have on our communities.

### **Fair access to housing keep families together**

Nearly half of all children in the US have one parent with a criminal record. Individuals and parents who serve time can find a safe and stable place.

### **Address homelessness and Recidivism**

One in five people who leave prison become homeless soon thereafter. Direct correlation between not finding housing and likelihood to reoffend

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

### **Sex Offender Registry**

If housing providers take an adverse action against an applicant based on sex offender registry information, there must be a legitimate business reason.

### **Retaliation Protection**

Prohibits retaliation for participating in asserting rights under the law.

## Exclusions

- **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**
- **Federally assisted housing subject to federal regulations that require denial of tenancy based on criminal history**

## Notice and Advertisements

- **Prohibits language in advertisements** that categorically exclude people with arrest records, conviction records, or criminal history
- **Notice of this law** must be included on the rental application

**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 as described in subsections 14.09.025 A.3, 14.09.025 A.4, and 14.09.025 A.5, and subject to the exclusions and legal requirements in Section 14.09.115.

Applicant Information					
Name					
Date of birth	SSN	Phone			
Current address					
City	State		ZIP Code		
Own	Rent	(Please circle)	Monthly payment or rent	How long?	

**YES, you need to do this**

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

**NO, you cannot do this**

## 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

## Sex Offender Registry Information: Juvenile Exemption

**Any persons are prohibited from carrying out an adverse action based on registry information:**

For a prospective juvenile tenant, occupant or member of their household

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



## Legitimate Business Reason

**If a housing provider uses sex offender registry information for prospective adult occupant if the conviction occurred when the person was an adult, they must:**

- 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

## 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 the Fair Chance Housing Ordinance, 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.

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## First-in-Time

**Landlords must offer tenancy to the first person with a completed application who meets their screening criteria**

Landlords must provide notice of:	If a landlord needs more information to make a decision:
<ul style="list-style-type: none"> <li>• Screening criteria: include sex offender registry information and business necessity analysis (if applicable)</li> </ul>	<ul style="list-style-type: none"> <li>• The landlord must give the applicant 72 hours to provide additional information</li> </ul>
<ul style="list-style-type: none"> <li>• Meaningful access: how to request additional time to complete an application</li> </ul>	<ul style="list-style-type: none"> <li>• If the applicant does not provide the information in 72 hours, the landlord can move to the next applicant</li> </ul>

## Seattle Office for Civil Rights

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### Questions or Technical Assistance

Phone: (206) 684-4500

Fax: (206) 684-0332

TTY: (206) 684-4503

Web: [seattle.gov/civilrights](http://seattle.gov/civilrights)

Email: [discriminationquestions@seattle.gov](mailto:discriminationquestions@seattle.gov)



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THANK YOU.