Criminal Records and Access to Housing

Seattle King County Coalition on Homelessness
King County Coalition Against Domestic Violence
Joint Membership Meeting
July 16, 2015
Office of Housing -- Criminal Histories and Housing working group:

• Education: criminal justice system, fair housing, screening reports
• Impact/next steps: housing providers revising policies, Guideline for screening reports, HALA recommendations
1. Mass Incarceration and Racial Disproportionality in the Criminal Justice System
Mass Conviction, Mass Incarceration

State and Federal Prisoners
(1925-2010)
Criminal Justice Statistics (2011 est.)

Total number living behind bars

- U.S.: 2.25 million
- WA State prison and jails: 30,501
- King County jails: 2,009 (June, 2013)

Total Under Corrections Supervision

- U.S.: 7,082,438
- WA State: 126,748

Total with Felony Conviction

- U.S.: 20 million (8.6% of population)
- Seattle: 37,000 (6.1%)

Source: Dr. Alexis Harris, UW Dept of Sociology
King County **Arrests**
by Race and Ethnicity, 2010

<table>
<thead>
<tr>
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<th>King County Arrest Rate per 100,000</th>
<th>Arrest Ratio</th>
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</thead>
<tbody>
<tr>
<td>Asian, Pacific Islander</td>
<td>254</td>
<td>1 in 393</td>
</tr>
<tr>
<td>Black, African American</td>
<td>2656</td>
<td>1 in 38</td>
</tr>
<tr>
<td>Native American, Alaskan Native</td>
<td>1796</td>
<td>1 in 56</td>
</tr>
<tr>
<td>White</td>
<td>500</td>
<td>1 in 200</td>
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Disproportionality in **Incarceration** in the United States and Washington State, 2005

The Challenge and Scope of “The Re-Entry Problem”

Every year about 700,000 inmates are released from prison

The number of Americans with a felony conviction is now about:

- 7.5% of U.S. adult population
- 23.3% of the Black adult population
- 33.4% of Black male adults

Source: Dr. Katherine Beckett, UW Dept of Sociology, 2013
2. Fair Housing: Disparate Impact or Disparate Treatment?
Disparate Treatment or Impact?

**Treatment**

- Refusing to sell, rent or lease housing to an interested tenant based on a protected class
- Applying different sale, rental or occupancy terms for different people based on protected class

**Impact**

- Neutral policy
- Discriminatory effect
- No sufficient business justification
- Less discriminatory alternative available

Source: Columbia Legal Services, based on HUD Rule, 24 CFR 100.500
Race and Ethnicity of Low-income Renters

City-funded Rental Housing Residents, 2013
- White, non-Hispanic, 42.9%
- Black / African American, non-Hispanic, 29.2%
- Hispanic, any race, 5.7%
- Other Multiracial, non-Hispanic, 7.2%
- Asian / Pacific Islander, non-Hispanic, 12.2%
- American Indian or Alaska Native, non-Hispanic, 2.9%

Seattle Low-Income Renters
0-80% AMI, HUD 2006-2011
- White alone, non-Hispanic, 62%
- Other (including multiple races, non-Hispanic), 4%
- Hispanic, any race, 8%
- Pacific Islander alone, non-Hispanic, 1%
- Black or African-American alone, non-Hispanic, 12%
- Asian alone, non-Hispanic, 13%
- American Indian or Alaska Native alone, non-Hispanic, 1%
3. Criminal Background Screening Reports: A Fair Assessment of Risk?
How does it work?

Source: ACLU of WA
Background Checks are Often Inaccurate or Misleading

• Mismatch the subject of report with another person
• Omit information about how the case was resolved
• Report inaccurate charges
• Mischaracterize the seriousness of the charges (felony v. misdemeanor)
• Repeat the same charge multiple times
• Incorrect dates (conviction date v. closing date)

Source: ACLU of WA, 2013
How can you verify the facts?

- Applicant’s statement
- Statements from probation/attorney/counselor
- Statutes (search for RCW online)
- Law enforcement records
  - Police reports
  - Incident reports
- Court records
  - Information
  - Statement of defendant on plea of guilty
  - Judgment and sentence
  - Case dockets

Source: ACLU of WA, 2013
4. Increasing Access to Housing -- Ongoing Efforts in Seattle
• Fair Housing – Best Practices for Individualized Tenant Assessment

• Affordable housing providers review/revise screening criteria and procedures

• Office of Housing Guideline for Criminal Records Screening Reports
• Homeless services and housing providers reducing client screening

• HALA-proposed legislation to reduce barriers to rental housing citywide

• Ongoing education about criminal records and barriers to housing
Thank You!

For more information:
Seattle.gov/housing/property-managers/management-resources