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ISSUE BRIEF

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**FAIR
CHANCE
FOR
HOUSING**

**Ending discrimination
in housing for people
with conviction records**

**INSTITUTE FOR JUSTICE
AND OPPORTUNITY**
at JOHN JAY COLLEGE



The Fortune Society
Building People, Not Prisons

Background

Today, there are no New York City (NYC) policy barring landlords, real estate brokers, rental agencies, management companies, and other lessors (housing providers) from using discriminatory mechanisms against people with convictions when they apply for housing (Evans & Porter, 2015). Housing providers have complete discretion when it comes to criminal background checks, application approval, rental requirements, rental advertisement language, and more.

The New York City Administrative Code, (Title 8: Civil Rights Chapter, Section 5) states that it is an unlawful discriminatory practice for a housing provider of a property to discriminate against, falsify information, and refuse to sell, rent, lease, approve the sale, rental or lease or otherwise deny, an individual because of their actual or perceived creed, race, national origin, gender, age, color, sexual orientation, marital status, disability, partnership status, dependents, alienage, or citizenship status. It **does not mention discrimination protection in housing for individuals with an arrest or conviction record.** The only protection provided in the Code for people with convictions is: licensing, registration application, permit application, credit application, and employment (The New York City Administrative Code, Title 8: Civil Rights., 2020).



U.S. prison population the largest in the world at **2.3 million** people in 2018 ¹



6.7 million people under correctional control, including incarceration, probation and parole ²



More than **600,000** people released from U.S. prison each year ³



In New York State in 2019, **6,958,700** people had an arrest or conviction record – equivalent to **45%** of the population ⁴



53% of landlords won't allow applicants with a conviction to even view a property ⁵



80% of people leaving Rikers Correctional Facility enter the Department of Homeless Services shelter system for at least a day ⁶

1 Jones, A. (2018, December). Correctional Control 2018: Incarceration and supervision by state. *Prison Policy Initiative*. Retrieved from <https://www.prisonpolicy.org/reports/correctionalcontrol2018.html>

2 Ibid.

3 The New York City Administrative Code, Title 8: Civil Rights. (2020). *Citizens Commission on Human Rights*. Retrieved from <https://www1.nyc.gov/site/cchr/law/chapter-1.page>.

4 Evans, D. & Porter, J. Criminal history and landlord rental decisions: A New York quasi-experimental study. (2015). *Journal of Experimental Criminology*, 11(1), 21–42. DOI: 10.1007/s11292-014-9217-4.

5 Ibid.

6 Schneider, V. (2018). The prison to homelessness pipeline: Criminal record checks, race, and disparate impact. *Indiana Law Journal*, 93(2), 421-456

Fair Chance Policies in Other Cities

Policymakers in other jurisdictions have developed ways to address discrimination in housing.

San Francisco, California

San Francisco’s Fair Chance Act aims to provide people with prior arrest and conviction records a fair chance to acquire housing. For this act, housing includes any residential building in the city that has received any funding from the city (Article 49: Procedures for considering arrests and convictions and related information in employment and housing decisions, 2019).

Richmond, California

Neighboring city Richmond holds another Fair Chance Ordinance. Richmond’s Ordinance of the City Council of the City of Richmond requires public or subsidized housing providers to ensure equal opportunity for housing candidates with past conviction records. Housing is classified as all new

and existing Affordable Housing buildings in the city of Richmond (Ordinance NO. 20-16 N.S., 2019).

Seattle, Washington

The Seattle Municipal Code 14.09 includes Seattle’s Fair Chance Housing legislation. The law concerns any form of housing within the geographic borders of the city. Seattle’s Fair Chance Housing legislation aims to prevent housing discrimination against applicants with conviction or arrest records. They forbid any person from committing unfair practices against renters based on a record by prohibiting the use of advertising language that categorically excludes people with arrest and conviction records (Seattle City Council, 2018).

It is apparent that all of the cities have different policy elements, but they do have a similar design in their objectives, they aim to end discrimination against people with convictions in housing.

	Goals	Target Population	What kind of housing?	Who does it apply to?
San Francisco	Provide people with prior arrest and conviction records the opportunity to be considered for housing on an individual basis, thereby affording them with a fair chance to acquire housing, to effectively reintegrate into the community, and to provide for their families and themselves.	People with arrest or conviction records	Any residential building in the City	Any entity that owns, master leases, or develops Affordable Housing in San Francisco. It also includes owners and developers of below-market-rate housing in the City or affordable units
Richmond	<ul style="list-style-type: none"> • Support re-entry, transition and integration of people leaving correctional institutions and people on parole • Require providers of public or subsidized housing to ensure equal opportunity for housing applicants with past convictions 	People with arrest or conviction records	All new and existing affordable housing in the city	Any entity that owns, master leases, manages, or develops Affordable Housing in the City. Any agent, such as a property management company, that makes tenancy decisions on behalf of the above described entities shall also be considered a housing provider
Seattle	Reduce the greatest barriers to housing for individuals with conviction records	People with a conviction record, or arrest record	Any form of housing within the geographic boundaries of the City	Landlords

7 San Francisco Police. (2018). *ARTICLE 49: PROCEDURES FOR CONSIDERING ARRESTS AND CONVICTIONS AND RELATED INFORMATION IN EMPLOYMENT AND HOUSING DECISIONS* [PDF file]. Retrieved from <https://sf-hrc.org/sites/default/files/San%20Francisco%20Police%20Code%20Article%2049%20Full%20Text.pdf>

8 Ordinance NO. 20-16 N.S. (2019). Retrieved from <https://www.ci.richmond.ca.us/ArchiveCenter/ViewFile/Item/7690>

9 Seattle City Council. (2018). Legislative Summary. Retrieved from <http://seattle.legistar.com/View.ashx?M=F&ID=5387389&GUID=6AA5DDAE-8BAE-4444-8C17-62C2B3533CA3>

10 Seattle Office for Civil Rights. (n.d.). *Fair Chance Housing*. Retrieved from <https://www.seattle.gov/civilrights/civil-rights/fair-housing/fair-chance-housing>.

NYC Fair Chance for Housing Campaign

The NYC Fair Chance for Housing Campaign was initiated after non-profit organizations encountered people with conviction records who experienced discrimination in the housing application process. This campaign is led by the Institute for Justice and Opportunity at John Jay College of Criminal Justice, and the David Rothenberg Center for Public Policy (DRCPP) at The Fortune Society. The Fair Chance for Housing campaign advocates for an end to housing discrimination against people with conviction records. They seek an amendment to the New York City Administrative Code Title 8, The New York City Human Rights Law. Amendments include:

- *Eliminate housing providers' use of background checks to protect people with conviction records from discrimination;*
- *Prohibit housing providers from advertising that they will not accept people with conviction histories;*
- *Require housing providers to publish the minimum rental requirements;*
- *Require housing providers to tell unsuccessful applicants—in writing—why they were rejected;*
- *Strengthen existing anti-discrimination laws by requiring housing providers to give each applicant a notice of their rights and instructions describing how to make a complaint if they are rejected;*
- *Add protections that eliminate the use of credit history and residence history; and*
- *Prohibit fees and add enforcement mechanisms to ensure that housing providers do not collect fees for background checks or applications. (About, n.d.)*

i For more information visit <https://www.fairchancehousing.org>

Sign our petition: <https://www.fairchancehousing.org/take-action>

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FairHousing_NYC **FairHousing_NYC**

Ensuring that every New Yorker has a fair chance at getting safe and stable housing will help . . .



Increase public safety



Support families



Lower taxpayer costs



Promote individual success and economic well-being

11 Fair Chance for Housing. (n.d.). About. Retrieved from <https://www.fairchancehousing.org/about>

12 Fair Chance for Housing. (n.d.-a). Facts. Retrieved from <https://www.fairchancehousing.org/facts>.