

# Seattle rental applicants' criminal histories virtually off-limits under new law

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***Landlords will be forbidden from screening tenants based on criminal records, under an ordinance the Seattle City Council approved Monday.***

The Seattle City Council approved an ordinance Monday that will mostly prohibit landlords from screening tenants based on their criminal records.

Landlords will be barred from excluding people with records in advertisements. When taking applications, they will be barred from asking about records. And in choosing tenants, they will be barred from rejecting people due to their records.

The only people who may be denied rental housing will be those listed on sex-offender registries because of adult convictions, and landlords denying housing to such people will still need to demonstrate a legitimate business reason for doing so.

The intent, according to proponents, is to lower barriers to housing for people with criminal histories, who now are often rejected by landlords. Council members last week voted 6-0 to advance the ordinance from their civil-rights committee to the full council.

They voted 8-0 Monday. Councilmember Kshama Sawant was absent.

"Regardless of my criminal history, I deserve housing," Ballard resident Zachary Tutwiler, a vendor with the Real Change Homeless Empowerment Project, told the council during a public-comment period before the vote. "We all deserve housing."

Some landlords say being allowed to make decisions based on the criminal histories of prospective tenants helps them better safeguard their property and existing tenants.

Landlords renting part of their own homes and sharing a kitchen or bathroom with a tenant will be exempt, as will primary leaseholders given the authority by landlords to choose roommates.

People renting mother-in-law apartments or backyard cottages on properties where they live also will be exempt, but micro-housing units will be covered by the ordinance.

Proponents of the ordinance say people who already have served their time shouldn't be penalized again by landlords. And they say people who have been arrested but not convicted also should be treated the same as everyone else.

The proponents say people leaving jail and prison need housing to build stable lives and are less likely to commit crimes again when they have somewhere to sleep.

On Monday, Councilmember Lisa Herbold, who sponsored the ordinance with Council President Bruce Harrell, described housing discrimination against people with records as "a recipe for recidivism."

Councilmember Sally Bagshaw agreed. When people are released from behind bars without housing, they are "doomed to the spin cycle" of crime as they struggle to survive on the street, Bagshaw said.

"We have got to put a stop to this," she said.

Councilmember M. Lorena Gonzalez added, "Once you pay your debt to society ... at that point, you deserve a second chance."

About one in three adults in the United States has an arrest or conviction record, and nearly half of all U.S. children have a parent with a criminal record, according to the Department of Justice and the Center for American Progress, the ordinance says.

People of color are particularly affected by tenant screening based on records, Herbold said.

African Americans make up less than 4 percent of Washington state's population but more than 18 percent of its prison population, the ordinance says.

The version of the legislation that Mayor Ed Murray sent to the council in June said landlords would be allowed to consider criminal convictions less than 2 years old and said landlord-occupied buildings with four or fewer units would be exempt.

But council members voted unanimously in committee to eliminate the two-year look-back clause and the exemption for small, landlord-occupied buildings.

The Seattle Office of Civil Rights will develop rules for and enforce the ordinance and will launch an anti-bias training program for landlords. The office regularly conducts testing to check whether landlords are engaging in discrimination.

Rental applicants will be able to file complaints with the office, which will investigate. For a first-time violation, the maximum penalty will be \$11,000; for a second violation in five years, \$27,500; and for a third violation in seven years, \$55,000.

The ordinance will take effect 150 days after being signed by the mayor. It may require new spending by the city, but the costs had yet to be determined last week.

Lowering barriers to housing for people with records was a recommendation of Murray's Housing Affordability and Livability Advisory Committee in 2015. Later that year, the Tenants Union of Washington State, Columbia Legal Services and other groups launched a campaign called FARE — Fair Access to Renting for Everyone.

In early 2016, the mayor convened a task force that included representatives from landlord and tenant groups. In June, he sent legislation to the council.

The Rental Housing Association of Washington said Friday it opposes the ordinance "not because of its purpose or mission, but because it represents poor policy."

In a blog post, the association said the city should provide incentives for landlords who rent to people with records, rather than impose additional mandates.

Seattle recently restricted move-in fees and enacted a new policy requiring landlords to choose among qualified renters on a first-come, first-served basis.

If required to rent to people with records, owners will raise other screening standards or sell their properties, the association said. "Neither are positive outcomes," it said.

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