

SUMMARY and FISCAL NOTE*

Department:

Contact Person/Phone:

Executive Contact/Phone:

LEG

Asha Venkataraman/4-5382

** Note that the Summary and Fiscal Note describes the version of the bill or resolution as introduced; final legislation including amendments may not be fully described.*

1. BILL SUMMARY

Legislation Title: A RESOLUTION promoting the use of an individualized tenant assessment using the Fair Housing Act's discriminatory effects standard to avoid Fair Housing Act Violations when criminal history is used as a screening criteria in the landlord screening process.

Summary and background of the Legislation: One of the recommendations of the Housing Affordability and Livability Agenda (HALA) Advisory Committee was to provide fair access to housing for people with criminal records. Some landlords categorically exclude anyone with an arrest or conviction record from renting units. In addition, tenant screening reports that landlords often use to obtain this kind of information can be inaccurate, inconsistent, or out of date. Use of criminal records to deny persons housing can also have a disproportionate impact on minority populations, as the rate of criminal records in those populations is disproportionate to their representation in the general population.

This resolution addresses these significant barriers to securing housing while work towards an ordinance is pending. It recommends the use of guidance issued by the U.S. Department of Housing and Development to encourage landlords only to use criminal record information in screening tenants when that information specifically relevant to protecting resident safety and property. It endorses specific guidelines that will help ensure tenant screening information is accurate and timely. It also recommends that the Office of Civil Rights look for unjustified discriminatory effects on protected classes when investigating claims of housing discrimination based on use of criminal records.

2. CAPITAL IMPROVEMENT PROGRAM

_____ This legislation creates, funds, or amends a CIP Project.

(If box is checked, please attach a new (if creating a project) or marked-up (if amending) CIP Page to the Council Bill. Please include the spending plan as part of the attached CIP Page.)

Project Name: Project I.D.: Project Location: Start Date: End Date: Total Cost:

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3. SUMMARY OF FINANCIAL IMPLICATIONS

Please check one:

_____ This legislation has direct financial implications. (If the legislation has direct fiscal impacts

(appropriations, revenue, positions), fill out the relevant sections below. If the financial implications are indirect or longer-term, describe them in narrative in the “Other Implications” section.)

☒ **This legislation does not have direct financial implications.**
(Please skip to “Other Implications” section at the end of the document and answer questions a-i.)

Budget program(s) affected:				
Estimated \$ Appropriation change:	General Fund \$		Other \$	
	2016	2017	2016	2017
Estimated \$ Revenue change:	Revenue to General Fund		Revenue to Other Funds	
	2016	2017	2016	2017
Positions affected:	No. of Positions		Total FTE Change	
	2016	2017	2016	2017
Other departments affected:				

3.a. Appropriations

☐ **This legislation adds, changes, or deletes appropriations.**
(If this box is checked, please complete this section. If this box is not checked, please proceed to Revenues/Reimbursements.)

Fund Name and number	Dept	Budget Control Level Name/##	2016 Appropriation Change	2017 Estimated Appropriation Change
TOTAL				

**See budget book to obtain the appropriate Budget Control Level for your department.*

(This table should reflect appropriations that are a direct result of this legislation. In the event that the project/programs associated with this ordinance had, or will have, appropriations in other legislation please provide details in the Appropriation Notes section below. If the appropriation is not completely supported by revenue/reimbursements listed below, please identify the funding source (e.g. available fund balance) to cover this appropriation in the notes section. Also indicate if the legislation changes appropriations one-time, ongoing, or both.)

Appropriations Notes:

3.b. Revenues/Reimbursements

☐ **This legislation adds, changes, or deletes revenues or reimbursements.**
(If this box is checked, please complete this section. If this box is not checked, please proceed to Positions.)

Anticipated Revenue/Reimbursement Resulting from this Legislation:

Fund Name and Number	Dept	Revenue Source	2016 Revenue	2017 Estimated Revenue
TOTAL				

(This table should reflect revenues/reimbursements that are a direct result of this legislation. In the event that the issues/projects associated with this ordinance/resolution have revenues or reimbursements that were, or will be, received because of previous or future legislation or budget actions, please provide details in the Notes section below. Do the revenue sources have match requirements? If so, what are they?)

Revenue/Reimbursement Notes:

3.c. Positions

☐ **This legislation adds, changes, or deletes positions.**
(If this box is checked, please complete this section. If this box is not checked, please proceed to Other Implications.)

Total Regular Positions Created, Modified, or Abrogated through this Legislation, Including FTE Impact:

Position # for Existing Positions	Position Title & Department*	Fund Name & #	Program & BCL	PT/FT	2016 Positions	2016 FTE	Does it sunset? (If yes, explain below in Position Notes)
TOTAL							

* List each position separately

(This table should only reflect the actual number of positions created by this legislation. In the event that positions have been, or will be, created as a result of previous or future legislation or budget actions, please provide details in the Notes section below.)

Position Notes:

4. OTHER IMPLICATIONS

a) Does the legislation have indirect or long-term financial impacts to the City of Seattle that are not reflected in the above?

(If yes, explain here.)

b) Is there financial cost or other impacts of not implementing the legislation?

(Estimate the costs to the City of not implementing the legislation, including estimated costs to maintain or expand an existing facility or the cost avoidance due to replacement of an existing facility, potential conflicts with regulatory requirements, or other potential costs or consequences.)

c) Does this legislation affect any departments besides the originating department?

(If so, please list the affected department(s) and the nature of the impact (financial, operational, etc.), and indicate which staff members in the other department(s) are aware of the proposed legislation.)

d) Is a public hearing required for this legislation?

(If yes, what public hearing(s) have been held to date, and/or what public hearing(s) are planned for the future?)

e) Does this legislation require landlords or sellers of real property to provide information regarding the property to a buyer or tenant?

(If yes, please describe the measures taken to comply with RCS 64.06.080.)

f) Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?

(For example, legislation related to sale of surplus property, condemnation, or certain capital projects with private partners may require publication of notice. If you aren't sure, please check with your lawyer. If publication of notice is required, describe any steps taken to comply with that requirement.)

g) Does this legislation affect a piece of property?

(If yes, and if a map or other visual representation of the property is not already included as an exhibit or attachment to the legislation itself, then you must include a map and/or other visual representation of the property and its location as an attachment to the fiscal note. Place a note on the map attached to the fiscal note that indicates the map is intended for illustrative or informational purposes only and is not intended to modify anything in the legislation.)

h) Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities?

(If yes, please explain how this legislation may impact vulnerable or historically disadvantaged communities. Using the racial equity toolkit is one way to help determine the legislation's impact on certain communities.)

The resolution intends to help vulnerable and historically disadvantaged communities that have trouble accessing housing due to criminal history. African Americans are four percent of Washington's population but account for 18 percent of the state's prison and jail population. Native Americans are two percent of the state population but account for five percent of the state's prison and jail population. In addition, fair housing testing conducted by the Office for Civil Rights found that African American and Latino/a testers were told about criminal background and credit history checks more frequently than white testers. Potential tenants of color may be facing the effects of the categorical exclusion from housing of people with criminal records disproportionately as compared to potential white tenants.

This resolution emphasizes the Council's commitment to ensure the use of criminal records in tenant screening does not have disproportionately adverse impacts on people of color.

i) If this legislation includes a new initiative or a major programmatic expansion: What are the long-term and measurable goals of the program? Please describe how this legislation would help achieve the program's desired goals.

(This answer should highlight measurable outputs and outcomes.)

j) Other Issues:

List attachments/exhibits below:

