

Proposed protections to end discrimination in housing and employment based on arrest / conviction record



Frequently Asked Questions

Q. Why is the City of Seattle exploring this law?

Many people with arrest or conviction records can't find work or a place to live. Even if the record dates from some time ago and the circumstances have no bearing on people's tenancy or job opening, it still stands in the way of their getting their lives back together.

Why is this a problem? Because all of us have a stake in people's *not* re-offending and *not* returning to prison. There are a lot of reasons why the recidivism rate in the United States is high, but one of them is people's inability to find housing and employment. It's a public safety issue – by safely removing unnecessary obstacles for people working to re-enter society, we can reduce crime over the long run.

The Seattle Office for Civil Rights often hears from Seattle residents who are discriminated against in housing and employment on the basis of their arrest or conviction record. In May 2010, residents of the Sojourner Place Women's Transitional Housing Program proposed that the City of Seattle make it illegal to discriminate against people in housing based solely on their record. The Seattle Office for Civil Rights is exploring adding this protection to Seattle's Municipal Code in both housing employment.

Q. What would this proposed law do?

The proposed law would make it illegal to discriminate against people in housing and employment based solely on an arrest or conviction record. The law would not apply to arrests or convictions that:

- Are directly related to the applicant's tenancy – for example, a conviction for arson.
- Create an unreasonable threat to the safety or welfare of employees, landlords, tenants or property.
- Involve jobs working with unsupervised children, vulnerable adults and law enforcement agencies.
- Directly relate to the job – for example, a conviction for embezzlement could exclude someone from being hired to handle money.

Q. Would this mean that landlords would have to accept people with a record of violent or sexual offenses as tenants?

No. The proposal that we are exploring would prevent housing providers from discriminating against any and all applicants solely on the basis of a conviction or arrest. Applicants' records would be evaluated on a case-by-case basis. If a landlord felt that an applicant's record poses a threat to the safety of residents, s/he would still have the discretion to deny housing.

Other places in the United States that have passed similar protections require landlords to look into the context of the conviction, the amount of time that has passed, and any rehabilitation that has occurred. The Seattle Office for Civil Rights would work with housing providers, community advocates and employers to develop similar rules.

Q. Do any other cities or states have similar laws?

Five states currently forbid private employers from imposing flat bans against hiring people with conviction records: New York, Kansas, Hawaii, Wisconsin and Pennsylvania. Massachusetts and Illinois also prohibit discrimination against arrest records. Fourteen additional states have defined legal standards governing public employers' consideration of applicants' criminal records: Arizona, Colorado, Connecticut, Florida, Hawaii, Kansas, Kentucky, Louisiana, Minnesota, New Mexico, New York, Pennsylvania, Washington and Wisconsin. Madison and Dane County in Wisconsin prohibit discrimination in employment and housing against people with conviction and arrest records.

Q. What is the process for this policy to become law?

The Seattle Office for Civil Rights will be working with community organizations housing providers, employers and the general public to develop a proposal by the end of December 2010 for consideration by Mayor Mike McGinn. City Council potentially could vote on the legislation in late February or early March. Members of the public will have several opportunities to weigh in on the proposal prior to a vote by Council.

Q. I would like to submit comments or ask a question about this proposal. How do I get in touch with you?

Please send your comments or questions to Brenda Anibarro at brenda.anibarro@seattle.gov or call 684-4514. The Seattle Office for Civil Rights will respond to you as well as take your input into account as this process moves forward. We also will add you to an email list for updates on the status of the proposal.