

Equitable Access to Rental Housing

Recommendations to enact a City of Charlotte housing ordinance to aid rental applicants with criminal records



Reentry Housing Alliance

98%

of people incarcerated in N.C. will be released*

ALL will need housing and employment

* NC Department of Public Safety
<https://www.ncdps.gov/about-dps/department-public-safety-statistics>

Context

- People with criminal records is a **growing constituency** in the Charlotte metropolitan area
- **Collateral consequences** of a criminal record often follow people for their entire lifetime, affecting all income brackets
- **Systematic bias** in the housing/rental application process place people with records at the end of the application list
- The N.C. Housing Finance Agency's **model policy for rental applicants with criminal records** is an *existing process* that allows people with records to **qualify on their merits, not their pasts**

Charlotte Population Statistics

905,318 2020 population estimate *

23.77% Population increased since 2010 *
(current growth rate: 1.85%)

~ 688,000 Charlotte voting age population

* World Population Review
<https://worldpopulationreview.com/us-cities/charlotte-population/>

People with Records Span *ALL* Income Levels

- It is generally recognized that about **8%** of a combined urban and suburban adult population have a felony record *
- **15%** African-American men have served time in prison, *nearly double* the general population rate
- Misdemeanor charges make up **51.83%** of arrests in Mecklenburg County over the past 6 years **
- The estimated voting age population of Charlotte with a felony conviction is **55,040**

* University of Georgia
<https://news.uga.edu/total-us-population-with-felony-convictions/>

** Mecklenburg County Arrest Dashboard
<https://www.mecklenburgcountync.gov/2019/07/23/mecklenburg-county-arrest-dashboard/>

Collateral Consequences

Legal and regulatory sanctions and restrictions **limit or prohibit** people with records from:

- Housing
- Employment
- Occupational Licensing
- Education
- Voting

Background Checks

A criminal record is reportable for up to 7 years

Nothing forbids a landlord from looking at criminal records that period

A record may consist of:

Arrest – Taken into custody but not necessarily charged or convicted

Charged – Prosecutor’s office filed formal criminal accusations

Convicted – Proven or declared guilty by the courts

Sentenced – Formal judgment issued and punishment defined

Even if charges are dismissed or the legal record later expunged,
digital arrest records often live in perpetuity as public record

Targeting People for Disqualification

Criminal background checks show

whom police targeted or decided to stop

- Using records to determine a person’s trustworthiness **entrenches the criminal justice system** across unrelated institutions, including housing
- Equal Employment Opportunity Commission **warns against using arrest data** for hiring because of racial disparities in policing

* Washington Post "How criminal background checks lead to discrimination against millions of Americans." Sarah Esther Lageson. July 10, 2020.
<https://www.washingtonpost.com/opinions/2020/07/10/personal-data-industry-is-complicit-bad-policing-it-must-be-held-accountable/>

5 Requests for Fair Housing Ordinance

1. Rental housing providers shall **defer any inquiry into criminal convictions of applicants** and their household members until *after* the applicant is qualified.
2. Rental housing providers who deny an applicant based on their criminal history, shall **allow the applicant to provide evidence of reporting errors, rehabilitation** and/or other mitigating factors related to convictions that would show they are a good candidate despite their record.
3. **A rental applicant shall be guaranteed the right to file a complaint** if they believe there has been discrimination because of a criminal record.
4. Create an administering body to **investigate and enforce all renter complaints** related to the regulations in the City's ordinance.
5. Direct that rental housing providers shall **post and/or list in writing a description of those matters identified by the ordinance that may be considered by the landlord as basis for adverse action**, including criminal convictions and years since conviction date.

The above shall apply to all **rental housing providers receiving city funding** for development, capital improvement, leased or transfer of land or real property, tax deferments, financial incentives and/or any other favorable monetary considerations.

Questions



Reentry Housing Alliance

RHA is an association of reentry service orgs, non-profits, the faith community and citizens focused on edifying property owners and advocating for housing policy change benefiting people with records.

- Organizing and facilitating [Landlord Education Seminars](#) since 2018
- Developed a “[housing rights and responsibility](#)” curriculum with the Mecklenburg County Sheriff’s Office
 - To be piloted via videoconference, with women residents
- Recently implemented a [transitional housing](#) program to help place people with records and their families