

RESOLUTION NO. 20200611-094

WHEREAS, an estimated 550,000 people are still homeless on any given night in the United States, many of them individuals with a history of criminal justice system contact; and

WHEREAS, the 2019 Point In Time Count showed that there were 2,255 individuals experiencing homelessness in Travis County on a single day. Of the 2,255 individuals experiencing homelessness, 1,169 were sheltered and 1,086 were unsheltered; and

WHEREAS, the Prison Policy Initiative issued a report in 2018 that explicated that formerly incarcerated people are almost 10 times more likely to be homeless than the general public; and

WHEREAS, people who have been incarcerated just once experience homelessness at a rate nearly 7 times higher than the general public; and

WHEREAS, people who have been incarcerated more than once have rates 13 times higher than the general public; and

WHEREAS, people who have been incarcerated multiple times are twice as likely to be homeless as those who are returning from their first prison term; and

WHEREAS, formerly incarcerated people are most likely to be homeless in the period shortly after their release; and

WHEREAS, formerly incarcerated women are more likely to be homeless than formerly incarcerated men; and

WHEREAS, within the broad category of homelessness, there are two distinct populations: people who are sheltered (in a homeless shelter) and those who are unsheltered (without a fixed residence); and

WHEREAS, formerly incarcerated Black men have much higher rates of unsheltered homelessness than white or Hispanic men; and

WHEREAS, formerly incarcerated Black and/or Hispanic women experience unsheltered homelessness at significantly higher rates than white women; and

WHEREAS, Black women experienced the highest rate of sheltered homelessness - nearly four times the rate of white men, and twice as high as the rate of Black men; and

WHEREAS, stable housing is the foundation of successful reentry from prison; and

WHEREAS, severe homelessness and housing insecurity destabilizes the entire reentry process and excluding formerly incarcerated people from safe and stable housing has devastating side effects such as reduced access to healthcare services (including addiction and mental health treatment), more challenges to secure a job, and reduced access to educational programs; and

WHEREAS, having a sustainable housing and living situation is a requirement of returning residents on parole; and

WHEREAS, if formerly incarcerated people are legally and financially excluded from safe, stable, and affordable housing, they cannot be expected to successfully reintegrate into their communities; and

WHEREAS, after a stakeholder process that included the Austin Apartment Association, landlords, impacted individuals, ECHO, and others, the Austin/Travis County Re-Entry Roundtable issued the “*Texas Criminal Background Screening Guide For Rental Housing Providers*” Report in April 2018, which provided suggested look-back periods for enumerated criminal convictions; and

WHEREAS, the Rental Housing Development Assistance Guidelines require landlords to disclose look-back periods for the convictions listed in the Re-Entry Roundtable’s report with a maximum look-back period of 7 years for felonies and 3 years for misdemeanors; and

WHEREAS, according to a study issued in 2019 by Harvard's Joint Center for Housing Studies, 30% of housing in Austin Texas is affordable to median-income renters; and

WHEREAS, the median income for renters in Austin, Texas is \$50,304; and

WHEREAS, cost-burdened and severely cost-burdened renter households pay more than 30% and more than 50% of their income for housing, respectively; and

WHEREAS, 46% of renter households in Austin, Texas are cost-burdened; and

WHEREAS, 23% of renter households in Austin, Texas are severely cost-burdened; and

WHEREAS, Austin has seen over a 65% decrease in units with rents under \$800 from 2011 to 2017; and

WHEREAS, there were 155,319 low-rent units in Austin in 2011; and

WHEREAS, there were 54,093 low-rent units in Austin in 2017; and

WHEREAS, 15% of rentals in Austin, Texas have rents under \$800 in 2017; and

WHEREAS, the Fair Housing Act protects people from discrimination when they are renting or buying a home, getting a mortgage, seeking housing assistance, or engaging in other housing-related activities; and

WHEREAS, through its Community Planning and Development programs, the Department of Housing and Urban Development's goal is to expand mobility and widen a person's freedom of choice; and

WHEREAS, impediments to fair housing choice are:

- actions, omissions, or decisions taken because of race, color, religion, sex, disability, familial status, or national origin which restrict housing choices or the availability of housing choices,
- actions, omissions, or decisions which have the effect of restrict housing choices or the availability of housing choices on the basis of race, color, religion, sex, disability, familial status, or national origin, and
- policies, practices, or procedures that appear neutral on their face, but which operate to deny or adversely affect the availability of housing to persons because of race, ethnicity, disability, and families with children may constitute such impediments.

WHEREAS, impediments to fair housing choice include actions or omissions in that:

- constitute violations, or potential violations, of the Fair Housing Act,
- are counterproductive to fair housing choice such as:
 - community resistance when minorities, person with disabilities and/or low-income persons first move into white/ and/or moderate-to high-income areas;

- community resistance to the siting of housing facilities for persons with disabilities because of the persons who will occupy housing; and
- have the effect of restricting housing opportunities on the basis of race, color, religion, sex, disability, familial status, or national origin.

WHEREAS, returning residents experience severe impediments to fair housing choice; and

WHEREAS, numerous studies that include the National Law Center on Homelessness & Poverty's 2018 report "Protect Tenants, Prevent Homelessness", Public Counsel and the UCLA School of Law Community Economic Development Clinic's 2019 report "Priced Out, Pushed Out, Locked Out" and NYU School of Law's 2018 study "The Effects of Evictions on Low-Income Households", have shown that eviction history and homelessness are inextricably linked; **NOW, THEREFORE**,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

The City Council directs the City Manager to draft rental policies for the Austin Housing Finance Corporation's Rental Housing Development Assistance (RHDA) Program that establish how landlords will consider an individual's felony and misdemeanor background. The goal of the policies is to provide more fair housing choice for residents and residents returning to the community. These

policies would apply on a going-forward basis to developers who apply for and receive City funds through the RHDA Program. In addition to existing monitoring processes, the City Manager should explore whether another City department, such as a possible Civil Rights Office, can assist with the monitoring and enforcement process for tenant selection policies and procedures. The City Council directs the City Manager to draft policies that accomplish the following objectives:

- achieve look-back periods for convictions that are shorter and more consistent with the suggested look-back periods from date of conviction for specific crimes explicated in the Austin/Travis County Reentry Roundtable's "Texas Criminal Background Screening Guide For Rental Housing Providers" April 2018 Report ("Report");
- limit the addition of new conviction categories beyond those outlined in the Report, namely those related to perceived patterns of convictions, misdemeanor drug possession and prostitution;
- limit the consideration of convictions after the look-back periods expire so that a resident or returning resident's criminal record is not held against them when applying for housing and that the totality of each individual application is considered throughout the application process;
- provide a rental applicant with written notification that explains the basis of the decision to reject the application and make each rental rejection

notification part of the information reviewed during the monitoring process;

- prohibit, if feasible, a developer from asking a potential renter about their criminal background until after the landlord has determined that the candidate is qualified to rent under all other phases of the application process if the housing developer receives city funding; and
- provide exemptions to these requirements only when required by other funding sources.

BE IT FURTHER RESOLVED:

The City Council directs the City Manager to provide recommendations on whether to adopt a policy for the RHDA Program that establishes a specific eviction history look-back period. This requirement would only apply on a going-forward basis.

BE IT FURTHER RESOLVED:

The City Council directs the City Manager to facilitate opportunities to collaborate with entities and stakeholders including, but not limited to, affordable housing developers, the Austin Area Urban League, the Austin Housing Coalition, the Austin Apartment Association, the Travis County Re-entry Roundtable, housing

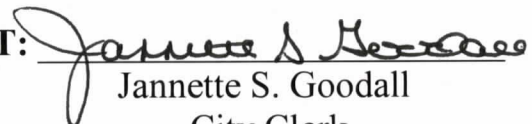
service providers, Ending Community Homelessness Coalition (ECHO), Austin Justice Coalition, Grassroots Leadership, and MELJ Center.

BE IT FURTHER RESOLVED:

The City Council directs the City Manager to provide an update on the progress of this resolution by October 22, 2020.

ADOPTED: June 11, 2020

ATTEST:


Jannette S. Goodall
City Clerk