

1 **RESOLUTION NO.**

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

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

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

10 **WHEREAS**, people who have been incarcerated more than once have rates  
11 13 times higher than the general public; and

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

14 **WHEREAS**, people experiencing cycles of incarceration and release -  
15 otherwise known as the “revolving door” of incarceration - are also more likely to  
16 be homeless; and

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

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

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

24           **WHEREAS**, formerly incarcerated Black men have much higher rates of  
25 unsheltered homelessness than White or Hispanic men; and

26           **WHEREAS**, women of color experience unsheltered homelessness at higher  
27 rates than White women; and

28           **WHEREAS**, formerly incarcerated Black and/or Hispanic women experience  
29 unsheltered homelessness at significantly higher rates than White women; and

30           **WHEREAS**, Black women experienced the highest rate of sheltered  
31 homelessness - nearly four times the rate of White men, and twice as high as the rate  
32 of Black men; and

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

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

40           **WHEREAS**, 600,000 people released from prisons each year face a housing  
41 crisis in urgent need of solutions; and

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

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

47           **WHEREAS**, after a stakeholder process that included the Austin Apartment  
48 Association, landlords, impacted individuals, Ending Community Homelessness  
49 Coalition (ECHO), and others, the Austin-Travis County Re-Entry Roundtable  
50 issued the “*Texas Criminal Background Screening Guide For Rental Housing*  
51 *Providers*” Report in April 2018, which suggested look-back periods for enumerated  
52 criminal convictions; and

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

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

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

61           **WHEREAS**, cost-burdened and severely cost-burdened renter households

62 pay more than 30% and more than 50% of their income for housing, respectively;

63 and

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

65           **WHEREAS**, 23% of renter households in Austin are severely cost-burdened;

66 and

67           **WHEREAS**, over 140,000 renter households are cost-burdened; and

68           **WHEREAS**, Austin has seen over a 65% decrease in units with rents under

69 \$800 from 2011 to 2017; and

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

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

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

73           **WHEREAS**, the Fair Housing Act protects people from discrimination when

74 they are renting or buying a home, getting a mortgage, seeking housing assistance,

75 or engaging in other housing-related activities; and

76           **WHEREAS**, through its Community Planning and Development programs,

77 the Department of Housing and Urban Development's goal is to expand mobility

78 and widen a person's freedom of choice; and

79           **WHEREAS**, impediments to fair housing choice are:

- 80           • actions, omissions, or decisions taken because of race, color, religion,  
81           sex, disability, familial status, or national origin which restrict housing  
82           choices or the availability of housing choices,
- 83           • actions, omissions, or decisions which have the effect of restricting  
84           housing choices or the availability of housing choices on the basis of  
85           race, color, religion, sex, disability, familial status, or national origin,  
86           and
- 87           • policies, practices, or procedures that appear neutral on their face, but  
88           which operate to deny or adversely affect the availability of housing to  
89           persons because of race, ethnicity, disability, and families with children  
90           may constitute such impediments; and

91           **WHEREAS**, impediments to fair housing choice include actions or omissions

92   that:

- 93           • constitute violations, or potential violations, of the Fair Housing Act,  
94           • are counterproductive to fair housing choice such as:
- 95           - community resistance when minorities, persons with disabilities  
96           and/or low-income persons first move into White and/or moderate-  
97           to high-income areas,

98 - community resistance to the siting of housing facilities for persons  
99 with disabilities because of the persons who will occupy housing,  
100 and

- 101 • have the effect of restricting housing opportunities on the basis of race,  
102 color, religion, sex, disability, familial status, or national origin; and

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

105 **WHEREAS**, numerous studies that include the National Law Center on  
106 Homelessness and Poverty’s 2017 report “Protect Tenants, Prevent Homelessness”,  
107 Public Counsel and the UCLA School of Law Community Economic Development  
108 Clinic’s 2019 report “Priced Out, Pushed Out, Locked Out” and NYU School of  
109 Law’s 2018 study “The Effects of Evictions on Low-Income Households”, have  
110 shown that eviction history and homelessness are inextricably linked; **NOW**,

111 **THEREFORE**,

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

113 The City Council directs the City Manager to bring forth recommendations  
114 related to rental policies that consider an individual’s felony and misdemeanor  
115 background in a manner that will result in more fair housing choices for residents  
116 and residents returning to the community. These policies would apply going-forward  
117 to developers who apply for and receive City funds through programs like Austin

118 Housing Finance Corporation's Rental Housing Development Assistance (RHDA)

119 Program. The goals of the recommendations are to:

- 120 • achieve look-back periods for convictions that are shorter and more  
121 consistent with the suggested look-back periods from date of conviction  
122 for specific crimes explicated in the Austin-Travis County Reentry  
123 Roundtable's "Texas Criminal Background Screening Guide For Rental  
124 Housing Providers" April 2018 Report;
- 125 • limit the consideration of convictions after the look-back periods expire so  
126 that a resident or returning resident's criminal record is not held against  
127 them when applying for housing and that the totality of each individual  
128 application is considered throughout the application process;
- 129 • prohibit, if feasible, a housing developer from asking a potential renter  
130 about their criminal background until after the landlord has determined that  
131 the candidate is qualified to rent under all other phases of the application  
132 process if the housing developer receives city funding; and
- 133 • provide, at a minimum, exemptions to these requirements for the  
134 following:
  - 135 - single-family homes,
  - 136 - housing provided through the Section 8 Housing Choice Voucher  
137 Program,

- 138                   - returning residents who have been convicted of sexual crimes and/or  
139                   on the state’s lifetime sex offender registry,  
140                   - returning residents who have been convicted of a domestic violence  
141                   crime.

142    **BE IT FURTHER RESOLVED:**

143                   The City Council directs the City Manager to facilitate opportunities to  
144    collaborate on these policies and recommendations with entities and stakeholders  
145    including, but not limited to, affordable housing developers, the Austin Area Urban  
146    League, the Austin Housing Coalition, the Austin Apartment Association, the Travis  
147    County Re-entry Roundtable, housing service providers, ECHO, Austin Justice  
148    Coalition, Grassroots Leadership, and MELJ Center.

149    **BE IT FURTHER RESOLVED:**

150                   The City Council directs the City Manager to require a developer who applies  
151    for and receives funding through the RHDA Program to limit its eviction history  
152    look-back period for prospective tenants to one year. This requirement would only  
153    apply on a going-forward basis.

154



155 **BE IT FURTHER RESOLVED:**

156           The City Manager is directed to provide an update on the progress of this  
157 resolution by October 29<sup>th</sup>, 2020.

158

159 **ADOPTED:** \_\_\_\_\_, 2020      **ATTEST:** \_\_\_\_\_

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Jannette S. Goodall  
City Clerk

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DRAFT