RESOLUTION NO.

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, 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, 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, people experiencing cycles of incarceration and release — otherwise known as the “revolving door” of incarceration — are also more likely to be homeless; 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, women of color experience unsheltered homelessness at higher rates than White women; 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, 600,000 people released from prisons each year face a housing crisis in urgent need of solutions; 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, Ending Community Homelessness Coalition (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 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 is affordable to median-income renters; and
WHEREAS, the median income for renters in Austin 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 are cost-burdened; and

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

WHEREAS, over 140,000 renter households are 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 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 restricting housing choices or the availability of housing choices on the basis of race, color, religion, sex, disability, familial status, or national origin,

• 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; and

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

• constitute violations, or potential violations, of the Fair Housing Act,

• are counterproductive to fair housing choice such as:
  - community resistance when minorities, persons 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; and

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

WHEREAS, numerous studies that include the National Law Center on
Homelessness and Poverty’s 2017 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 bring forth recommendations
related to rental policies that consider an individual’s felony and misdemeanor
background in a manner that will result in more fair housing choices for residents
and residents returning to the community. These policies would apply going-forward
to developers who apply for and receive City funds through programs like Austin
Housing Finance Corporation’s Rental Housing Development Assistance (RHDA) Program. The goals of the recommendations are to:

- 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;

- 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;

- prohibit, if feasible, a housing 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, at a minimum, exemptions to these requirements for the following:
  - single-family homes,
  - housing provided through the Section 8 Housing Choice Voucher Program,
- returning residents who have been convicted of sexual crimes and/or on the state’s lifetime sex offender registry,
- returning residents who have been convicted of a domestic violence crime.

**BE IT FURTHER RESOLVED:**

The City Council directs the City Manager to facilitate opportunities to collaborate on these policies and recommendations 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, ECHO, Austin Justice Coalition, Grassroots Leadership, and MELJ Center.

**BE IT FURTHER RESOLVED:**

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

The City Manager is directed to provide an update on the progress of this resolution by October 29th, 2020.

ADOPTED: ____________, 2020  
ATTEST: ____________________________

Jannette S. Goodall
City Clerk