

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

108 **THEREFORE**,

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

110 The City Council directs the City Manager to draft rental policies for the
111 Austin Housing Finance Corporation’s Rental Housing Development Assistance
112 (RHDA) Program that establish how landlords will consider an individual’s felony
113 and misdemeanor background. The goal of the policies is to provide more fair

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

- 121 • achieve look-back periods for convictions that are shorter and more
122 consistent with the suggested look-back periods from date of conviction
123 for specific crimes explicated in the Austin/Travis County Reentry
124 Roundtable’s “Texas Criminal Background Screening Guide For Rental
125 Housing Providers” April 2018 Report (“Report”);
- 126 • limit the addition of new conviction categories beyond those outlined in
127 the Report, namely those related to perceived patterns of convictions,
128 misdemeanor drug possession and prostitution;
- 129 • limit the consideration of convictions after the look-back periods expire so
130 that a resident or returning resident’s criminal record is not held against
131 them when applying for housing and that the totality of each individual
132 application is considered throughout the application process;

- 133 • provide a rental applicant with written notification that explains the basis
134 of the decision to reject the application and make each rental rejection
135 notification part of the information reviewed during the monitoring
136 process;
- 137 • prohibit, if feasible, a developer from asking a potential renter about their
138 criminal background until after the landlord has determined that the
139 candidate is qualified to rent under all other phases of the application
140 process if the housing developer receives city funding; and
- 141 • provide exemptions to these requirements only when required by other
142 funding sources.

143 **BE IT FURTHER RESOLVED:**

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

148 **BE IT FURTHER RESOLVED:**

149 The City Council directs the City Manager to facilitate opportunities to
150 collaborate with entities and stakeholders including, but not limited to, affordable
151 housing developers, the Austin Area Urban League, the Austin Housing Coalition,

152 the Austin Apartment Association, the Travis County Re-entry Roundtable, housing
153 service providers, Ending Community Homelessness Coalition (ECHO), Austin
154 Justice Coalition, Grassroots Leadership, and MELJ Center.

155 **BE IT FURTHER RESOLVED:**

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

158 **ADOPTED:** _____, 2020

ATTEST: _____

159 Jannette S. Goodall
160 City Clerk

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