

Dear Washington State Legislators:

An estimated one in every three adults in the United States has an arrest or a conviction record and nearly half of all children in the U.S. have one parent with a criminal record. Because of their criminal records, justice-involved individuals face additional barriers in accessing affordable housing, potentially placing them at serious risk of housing instability, homelessness, and ultimately recidivism.

Ensuring people have access to safe, stable housing results in better reentry outcomes, reunified families and stronger and safer communities for all.

Racial equity is the central component of unfair utilization of criminal records in housing selection. We see criminal record screening as the new redlining. It has a disparate impact on people and communities of color, due to racial inequities in the criminal justice system that are compounded by racial bias in the tenant application process. Additionally, there is currently no state direction for landlords or tenants on the issue.

We urge you to support legislation that:

- Prohibits landlords from advertising, publicizing, or implementing any policy or practice that automatically or categorically excludes from rental housing any individual with an arrest or conviction record.
- Prohibits landlords from inquiring about, requiring disclosure, or taking adverse action against a prospective tenant or tenant based on their arrest or conviction record, with exception of adverse actions on registered sex offense convictions but only if landlord has a legitimate business reason (LBR) for such adverse action.
- Requires landlords who take adverse actions based on an LBR to provide written notice to the prospective tenant or tenant stating the sex offense registry information relied upon for such action.
- Requires landlords to provide contact information for any consumer reporting agency used to produce a report on the tenant and to provide the tenant with at least 5 business days to dispute the relevancy and accuracy of the report.
- Establishes a private cause of action for the tenant/prospective tenant for a landlord violation of act, including a penalty of up to four and one-half times the amount of rent.
- Establishes liability immunity for landlords and their agents who rent to a tenant/prospective tenant listed on a sex offense registry for any unlawful action of the tenant if cause of action is based solely on landlord decision to rent to the tenant.
- Provides that a landlord violation of act is a defense to evictions under unlawful detainer actions.
- Provides that new landlord regulations do not affect adverse housing decisions based on other lawful factors.
- Establishes state preemption on new landlord regulations unless local rules/ordinances are more stringent.

Signed: