

THE FAIR CHANCE AT HOUSING ACT OF 2016

- RANKING MEMBER MAXINE WATERS -

This bill is supported by the following organizations: the National Low Income Housing Coalition (NLIHC), the National Fair Housing Alliance (NFHA), CSH, the National Housing Law Project (NHLP), the National Alliance to End Homelessness (NAEH), the National Law Center on Homelessness and Poverty (NLCHP), the Sargent Shriver National Center on Poverty Law, the Lawyers' Committee for Civil Rights (LCCR), the National LGBTQ Task Force Action Fund, the Consortium for Citizens with Disabilities, and the National Disability Rights Network.

Bill Summary:

For decades, the War on Crime and the War on Drugs have done far more harm than good, wreaking havoc on American families through mass incarceration while having a very limited impact on the crime rate and drug use in the U.S.¹ Moreover, these efforts have had profoundly disproportionate effects on minorities, who have historically been the primary target of harsh anti-crime and anti-drug policies and the unequal enforcement of these policies. The consequences of these now-debunked policies reach much farther than the doors of our prisons and jails; a criminal background can have lifelong implications for a person's ability to obtain housing, employment, education, and to otherwise rebuild their lives. Access to stable housing in particular is one of the most important first steps to rehabilitation and re-entry, but federal laws and regulations enacted decades ago continue to pose unnecessary and punitive barriers to federal housing assistance for those with criminal records.

This bill represents a comprehensive reform of the eviction and screening policies for federal housing assistance. It would roll back the harmful War on Crime and War on Drugs era policies that continue to unfairly threaten tenants with eviction for minor crimes in the absence of sufficient evidence, and continue to create unfair barriers to federal housing assistance for individuals who are trying to rebuild their lives. Specifically, this bill would:

- Ban blanket "1-strike" policies, which allow tenants to be evicted for a single incident of criminal activity, no matter how minor;
- Ban "no-fault" policies, which allow an entire family to be evicted for criminal activity by a guest of a household member even without the knowledge of anyone in the household;
- Raise the standards of evidence to be used by public housing authorities (PHAs) and owners and require a holistic consideration of all mitigating circumstances when making screening or eviction determinations based on criminal activity;
- Ensure that tenants who are evicted for criminal activity and applicants who are denied admission for criminal activity are given adequate written notice of the reasons for the decision, and the opportunity to present mitigating evidence or appeal a decision;
- Prohibit the use of suspicionless drug and alcohol testing by owners and PHAs;
- Provide PHAs with additional administrative funding for helping to house ex-offenders through the Section 8 Housing Choice Voucher program; and
- Authorize \$10 million in bonus funding for homeless service providers through the Continuum of Care program to serve ex-offenders.

In sum, by preserving the ability of PHAs and owners to protect the health, safety and peaceful enjoyment of their properties, but simultaneously rolling back the current screening and eviction policies that are overly punitive and unjustified, this bill would reduce recidivism by helping ex-offenders find stable housing upon exiting a jail or prison, and would help prevent homelessness by ensuring that individuals and households currently receiving federal housing assistance are not unfairly evicted.

¹ See e.g. Chettiar, Inimai M. "The Many Causes of America's Decline in Crime." *Atlantic* 11 Feb. 2015. citing Roeder, Oliver, Lauren-Brook Eisen, and Julia Bowling. *What Caused the Crime Decline?* Brennan Center for Justice 2015, and Lopez, German. "This Is Your Federal Government on the War on Drugs." *Vox Policy & Politics* 8 Aug. 2015, citing *Federal Drug Sentencing Laws Bring High Cost, Low Return*. Issue brief. PEW Charitable Trusts, 2015.