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HOUSING AND INSURANCE

CONGRESS OF THE UNITED STATES  
HOUSE OF REPRESENTATIVES

May 10, 2016

The Honorable Julian Castro  
Secretary  
Department of Housing and Urban Development  
451 7<sup>th</sup> Street SW  
Washington, DC 20410

Dear Secretary Castro:

We support the Department of Housing and Urban Development's (HUD) new Fair Housing guidance that aims to protect Americans with criminal records from unfair and damaging housing discrimination.

This new guidance published on April 4, 2016 matters because roughly one in three Americans have a criminal record of some kind. However, for many Americans their criminal record often includes non-violent offenses, arrests that never led to convictions, as well as crimes that occurred decades before a housing application was submitted. Moreover, communities of color are over-represented in our criminal justice system and also are disproportionately living below the federal poverty line. According to recent studies, Black men are imprisoned at six-times the rate of their white counterparts, and Hispanic/Latino men are imprisoned at twice the rate of white men. By failing to take these realities in to account when formulating federal policy, when we allow blanket rental prohibitions on anyone with a criminal record we perpetuate systemic economic inequality and institutional racism.

We commend HUD for its recognition that any indiscriminate policy which bars people with a criminal record -- no matter how minor -- from renting or purchasing housing is de-facto discrimination. Such outright bans create additional barriers to financial success and re-integration for low-income Americans who have criminal records.

Additionally, we appreciate the Agency's nuanced approach to its guidance which requires a landlord to prove "through reliable evidence that its policy or practice of making housing decisions based on criminal history actually assists in protecting resident safety." This strengthens current policies and makes it more difficult for landlords to intentionally discriminate, or wrongly assume a criminal record inherently creates a threat to public safety. In short, HUD's guidance provides clear notice to housing providers that using criminal records may be discriminatory, meaning that landlords can no longer claim that they were unaware their screening practices were potentially discriminatory.

Moreover, we support the Agency's action as it builds upon past policy initiatives and legal precedent regarding discrimination. This guidance furthers the Equal Employment Opportunity Commission's

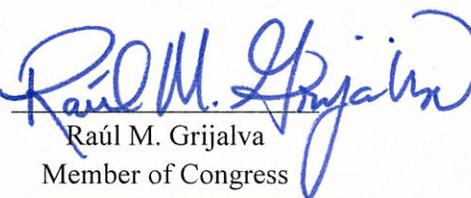
(EEOC) 2012 guidance prohibiting employers from using criminal records to automatically disqualify candidates from consideration. HUD's new guidance builds on the EEOC's work, and extends the same principles to housing. It also applies the 2015 Supreme Court decision upholding the Fair Housing Act and disparate impact.

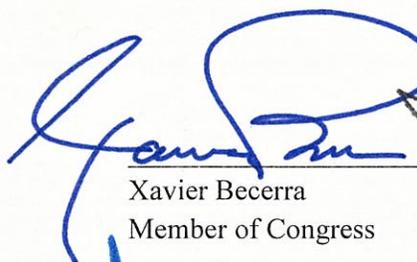
Finally, we look forward to HUD's implementation of this necessary guidance as it will be important to provide housing providers with additional training and education around this policy to expand economic opportunities to more Americans. It is our hope that HUD can also provide additional guidance with regard to how housing providers can ensure a reasonable accommodation for people with a disability and a criminal record.

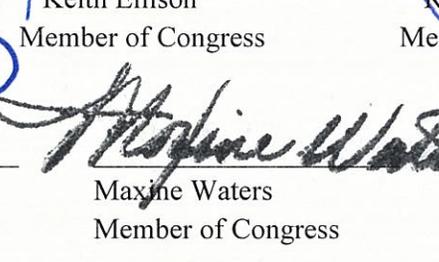
We are pleased that anti-discrimination policies are actively being implemented in to the U.S. legal and administrative structure. We know that safe and affordable housing is critical to the successful re-entry of formerly incarcerated Americans. We appreciate the Department's attention to housing discrimination, and look forward to working with you to ensure this guidance is enforced.

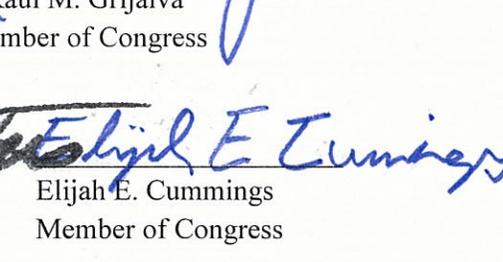
Sincerely,

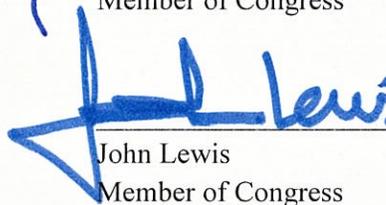
  
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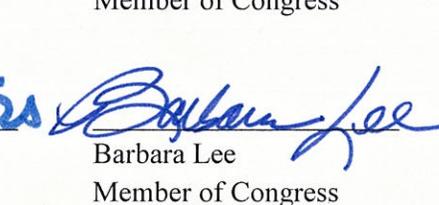
  
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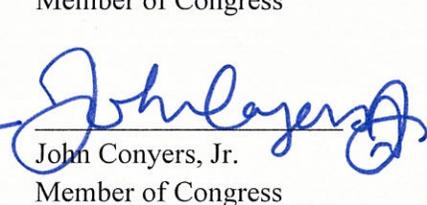
  
Xavier Becerra  
Member of Congress

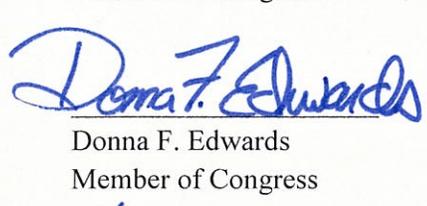
  
Maxine Waters  
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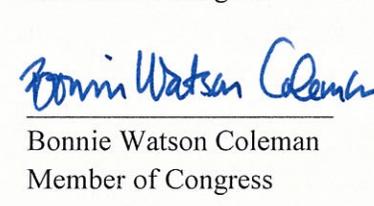
  
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Member of Congress

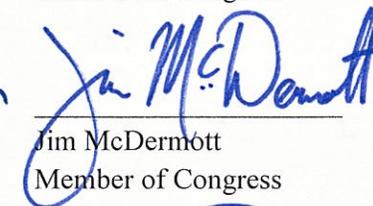
  
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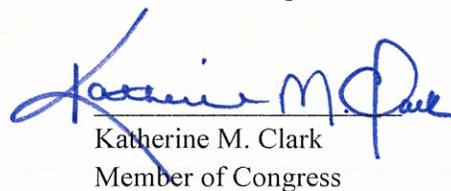
  
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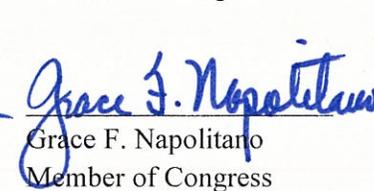
  
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Member of Congress

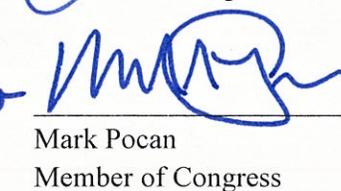
  
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