

POLICY MOTION

COMMITTEE: Planning and Land Use Management (PLUM)

TITLE: Opposition for Council File 22-0280

PURPOSE: This motion is to oppose Council File (CF) 22-0280 which would prohibit landlords from, at any time or by any means, whether direct or indirect, inquiring about an applicant's criminal history, requiring an applicant to disclose criminal history, requiring an applicant to authorize the release of criminal history or, if such information is received, using or considering that criminal history information, or taking adverse action based in whole or in part on an applicant's criminal history.

BACKGROUND:

All Angelenos deserve access to stable, affordable housing. In fact, stable housing is one of the most important factors contributing to positive physical and mental health outcomes for individuals and families. Currently, however Mike Bonin believes that Angelenos with past criminal histories often face insurmountable barriers to housing and are routinely screened out when applying to rent housing due to criminal background checks in private rental, nonprofit affordable housing, and public housing units.

Criminal records have long existed for a reason, so that potential employers, lenders, landlords and others can assess a person's trustworthiness.

Mike Bonin believes that criminal background checks for rental units also serve to reinforce the significant racial disparities present in our criminal justice system, resulting in the disproportionate obstruction of housing access for Black and Brown communities. Additionally, Bonin believes that these background checks present significant problems in our city's effort to house our unhoused population. Decades of enforcement on individuals sleeping outside or in their cars have led to a situation where many unhoused individuals have accrued a criminal record *because* they are unhoused, and thus—even when matched with a housing voucher—are unable to find placements due to criminal background checks.

Mike Bonin believes that in order to create a more just and equitable system for Angelenos, and to reduce the substantial barriers to housing that exist, especially for Black and Brown communities and people experiencing homelessness, we must follow the lead of cities like Oakland, Berkeley, and Seattle and prohibit the use of criminal background checks when evaluating rental applications for housing.

The ordinances in these other cities increase access to housing for those with criminal records, while allowing for reasonable exemptions like owner-occupied units or shared living arrangements. Mike Bonin believes that The City of Los Angeles should do the same.

POLICY MOTION

THE FINAL MOTION:

The Mar Vista Community Council opposes Council File (CF) 22-0280 which would unfairly give landlords substantially less information to consider potential tenants for their property.

AMENDMENT/VOTE COUNT:

The Mar Vista Community Council opposes Council File (CF) 22-0280 which would unfairly give landlords substantially less information to consider potential tenants for their property.

MVCC PLUM Committee meeting, April 5th, 2022

Motion of Amendment moved by **April Peterson**, seconded by **Kathryn Wheeler**

Motion of Amendment **passed** by MVCC PLUM **04-02-02**

AMENDMENT/VOTE COUNT:

The Mar Vista Community Council supports Council File (CF) 22-0280 if amended to include similar provisions as the Oakland ordinance. Otherwise, it would unfairly give landlords substantially less information to consider potential tenants for their property. Furthermore, the MVCC believes the ordinance is too broad in its prohibition of a landlord's ability to access an applicant's criminal history, "at any time or by any means."

MVCC PLUM Committee meeting, April 5th, 2022

Motion of Amendment moved by **Andrew P.**, seconded by **Aaron Schue**

Motion of Amendment **opposed** by MVCC PLUM **02-07-02**

ACTION/VOTE COUNT:

MVCC PLUM Committee meeting, April 5th, 2022

Motion of Opposition moved by **Stacey Greenwald**, seconded by **Andrew Marton**

Motion of Opposition approved by MVCC PLUM **08-01-01**

MVCC Board Meeting, April 20th, 2022

Motion of XXXXX moved by XXXXX, seconded by XXXXX

Motion of XXXXX approved by MVCC PLUM XX-XX-XX

HOUSING

MOTION

All Angelenos deserve access to stable, affordable housing. In fact, stable housing is one of the most important factors contributing to positive physical and mental health outcomes for individuals and families. Currently, however, Angelenos with past criminal histories often face insurmountable barriers to housing and are routinely screened out when applying to rent housing due to criminal background checks in private rental, nonprofit affordable housing, and public housing units.

The effects of these barriers are stark: formerly incarcerated individuals are ten to thirteen times more likely to experience homelessness than those without. This cycle is also self-perpetuating—a recent survey by the Marshall Project found that affordable housing was one of the top factors cited by incarcerated individuals as something that could have kept them out of prison.

Criminal background checks for rental units also serve to reinforce the significant racial disparities present in our criminal justice system, resulting in the disproportionate obstruction of housing access for Black and Brown communities. Additionally, these background checks present significant problems in our City's effort to house our unhoused population. Decades of enforcement on individuals sleeping outside or in their cars have led to a situation where many unhoused individuals have accrued a criminal record *because* they are unhoused, and thus—even when matched with a housing voucher—are unable to find placements due to criminal background checks.

In order to create a more just and equitable system for Angelenos, and to reduce the substantial barriers to housing that exist, especially for Black and Brown communities and people experiencing homelessness, we must follow the lead of cities like Oakland, Berkeley, and Seattle and prohibit the use of criminal background checks when evaluating rental applications for housing.

The ordinances in these other cities increase access to housing for those with criminal records, while allowing for reasonable exemptions like owner-occupied units or shared living arrangements. The City of Los Angeles should do the same.

I THEREFORE MOVE that the City Council instruct the City Attorney, in consultation with the Housing Department, to prepare and present, within 45 days, a Fair Chance Housing ordinance that prohibits landlords from, at any time or by any means, whether direct or indirect, inquiring about an applicant's criminal history, requiring an applicant to disclose criminal history, requiring an applicant to authorize the release of criminal history or, if such information is received, using or considering that criminal history information, or taking adverse action based



in whole or in part on an applicant's criminal history. The Fair Chance Housing ordinance should:

- Be modeled on the Oakland and Berkeley Fair Chance Housing Ordinances;
- Include exceptions similar to those in the Oakland and Berkeley Fair Chance Housing Ordinances, such as for owner-occupied units or shared living arrangements; and
- Create a private right of action for prospective renters, or organizations acting on their behalf, with attorneys' fees, and implement penalties for violations of the ordinance to encourage adherence to the provisions of the Fair Chance Housing Ordinance, discourage discriminatory and/or arbitrary landlord screening practices, and otherwise strengthen the enforceability of the Fair Chance Housing Ordinance.

I FURTHER MOVE that the City Council instruct the Housing Department and City Attorney to report back with a plan for education and outreach to renters and landlords in the City of LA on this policy, including estimated costs and resources needed to do so.

PRESENTED BY:



MIKE BONIN
Councilmember, 11th District



MARQUEECE HARRIS-DAWSON
Councilmember, 8th District

ORIGINAL

SECONDED BY:



MAR 09 2022