

Racial Equity Toolkit

to Assess Policies, Initiatives, Programs, and Budget Issues



RACE & SOCIAL JUSTICE
INITIATIVE

The vision of the Seattle Race and Social Justice Initiative is to eliminate racial inequity in the community. To do this requires ending **individual racism**, **institutional racism** and **structural racism**. The Racial Equity Toolkit lays out a process and a set of questions to guide the development, implementation and evaluation of policies, initiatives, programs, and budget issues to address the impacts on racial equity.

When Do I Use This Toolkit?

Early. Apply the toolkit early for alignment with departmental racial equity goals and desired outcomes.

How Do I Use This Toolkit?

With Inclusion. The analysis should be completed by people with different racial perspectives.

Step by step. The Racial Equity Analysis is made up of six steps from beginning to completion:

Step 1. Set Outcomes.

Leadership communicates key community outcomes for racial equity to guide analysis.

Step 2. Involve Stakeholders + Analyze Data.

Gather information from community and staff on how the issue benefits or burdens the community in terms of racial equity.

Step 3. Determine Benefit and/or Burden.

Analyze issue for impacts and alignment with racial equity outcomes.

Step 4. Advance Opportunity or Minimize Harm.

Develop strategies to create greater racial equity or minimize unintended consequences.

Step 5. Evaluate. Raise Racial Awareness. Be Accountable.

Track impacts on communities of color overtime. Continue to communicate with and involve stakeholders. Document unresolved issues.

Step 6. Report Back.

Share information learned from analysis and unresolved issue with Department Leadership and Change Team.

Racial Equity Toolkit Assessment Worksheet

Title of policy, initiative, program, budget issue: Fair Chance Housing

Description: Regulating the use of arrest and conviction records in rental housing.

Department: Seattle Office for Civil Rights **Contact:** Brenda Anibarro, Erika Koch Pablo, and Caedmon Cahill

Policy Initiative Program Budget Issue

Step 1. Set Outcomes.

1a. What does your department define as the most important racially equitable **community outcomes related to the issue?**

Racial Equity Outcome 1. Increase racial equity by providing housing access

Racial equity is central to the issue of fair chance housing. People of color face compounding effects of criminal records due to racial bias in tenant selection (see OCR Fair Housing Testing, <http://www.seattle.gov/civilrights/civil-rights/fair-housing/testing>) as well as racial disparities in the criminal justice system (see 2b). While this legislation will not cure the deep racial inequities that exist in housing access and within our criminal justice system, it aims to make an impact by centering racial equity and addressing the ways in which African Americans, Native Americans, Latinos, and other communities of color are disproportionately harmed by current policies and practices.

1b. Which racial equity **opportunity area(s) will the issue primarily impact?**

- Education
- Community Development
- Health
- Environment

- Criminal Justice
- Jobs
- Housing

1c. Are there impacts on:

- Contracting Equity
- Workforce Equity

- Immigrant and Refugee Access to Services
- Inclusive Outreach and Public Engagement

Step 2. Involve stakeholders. Analyze data.

2a. Are there impacts on geographic areas? Yes No

All Seattle neighborhoods
 Ballard
 North
 NE
 Central

Lake Union
 Southwest
 Southeast
 Delridge
 Greater Duwamish

East District
 King County (outside Seattle)
 Outside King County
Please describe:

2b. What are the racial demographics of those living in the area or impacted by the issue?

Landlords deny applicants with criminal history for a variety of reasons, and often without a clear relationship to tenancy or safety of residents. As online background checks become more common and access to criminal record information is more readily accessible, there has been an increase in the number of people who have been unable to secure housing based on their criminal record. Over the last seven years, community groups have urged the City to act to address the impacts that criminal records have on a person's ability to rent housing.

It is estimated that across race, approximately 30% (173,714) of Seattle residents over the age of 18 have an arrest or conviction record and that 7%, or 43,428 people, have a felony record.¹

While the barriers faced by a criminal record exist across race, major disparities exist in who is incarcerated in Washington state and who has access to housing. African Americans are 3.4% of the overall state population, but account for nearly 18.4% of the state's prison population; Latinos are 11.2% of Washington's population, but account for 13.2% of the state's prison population; and Native Americans are 1.3% of the state population, but account for 4.7% of the state's prison population.

Here in King County, African Americans are 6.8% of the overall population,² but account for 36.3% of the King County jail population.³ Native Americans are 1.1%,⁴ but account for 2.4% of the King County jail population.⁵ While the Latino population in King County is 9.5%,⁶ Latinos are aggregated with the white population data in the King County Jail, so rate of incarceration for Latino adults in King County is unknown.⁷

Criminal history does not only impact adults, but it also impacts children with criminal history and their families' search for housing. African American youth account for 6.8% of the overall King County population,⁸ but account for 47.3% of those in juvenile detention;⁹ Native American youth account for 0.8% of the overall King County population,¹⁰ but

¹ Prevalence estimates sent by University of Washington Sociologist Katherine Beckett

² <https://www.census.gov/quickfacts/table/PST045216/53033,53#headnote-js-a>

³ http://www.kingcounty.gov/~media/courts/detention/documents/KC_DAR_Monthly_Breakouts_05_2017.ashx?la=en

⁴ <https://www.census.gov/quickfacts/table/PST045216/53033,53#headnote-js-a>

⁵ http://www.kingcounty.gov/~media/courts/detention/documents/KC_DAR_Monthly_Breakouts_05_2017.ashx?la=en

⁶ <https://www.census.gov/quickfacts/table/PST045216/53033,53#headnote-js-a>

⁷ http://www.kingcounty.gov/~media/courts/detention/documents/KC_DAR_Monthly_Breakouts_05_2017.ashx?la=en

⁸ <https://www.census.gov/quickfacts/table/PST045216/53033,53>

⁹ King County Juvenile Justice Statistics Comparison of 2015 to 2016

¹⁰ <https://www.census.gov/quickfacts/table/PST045216/53033,53>

account for 3.4% of those in juvenile detention; and Latino youth account for 9.5% of the overall King County population,¹¹ but account for 20.6% of those in juvenile detention.¹²

It is critical to point out that these disparities do not reflect a greater rate of crime committed by people of color compared to the white population. Rather, the disparity by race is the result of an interplay of racial bias, bias policing, sentencing policies and systemic inequities. The Sentencing Project, citing Bureau of Justice Statistics data, has stated, “Overall, African Americans are more likely than white Americans to be arrested; once arrested, they are more likely to be convicted; and once convicted, they are more likely to face stiff sentences. Black men are six times as likely to be incarcerated as white men and Hispanic men are more than twice as likely to be incarcerated as non-Hispanic white men.”¹³

Further, people of color who do not have records are harmed by existing racial bias in tenant selection that may associate race with criminality. In 2014, 64% of OCR’s fair housing tests found incidents of different treatment based on race. In some cases, African Americans were told they would have to undergo a criminal record check when similarly situated white counterparts were not.

2c. How have you involved community members and stakeholders?

For nearly a decade, community groups have called on the City to address barriers faced by renters with criminal records. In 2010, OCR convened two public forums bringing together over 300 people, two thirds of whom testified in support of legislation to address barriers in housing and employment. Council responded by unanimously passing Fair Chance Employment legislation and asking the Office of Housing and OCR to work with nonprofit housing providers on best practices for housing screening. The nature of these conversations focused on barriers to housing, experiences with criminal history and access to housing, and unintended consequences of any potential legislation.

Efforts by City departments have been successful at getting many nonprofit providers to understand the importance of individually assessing applicants to avoid racially disparate impacts caused by blanket exclusion policies. The Office of Housing held educational sessions for housing providers on the impacts of criminal record screening on racial equity and developed a guide on selecting a tenant screening agency.

While these efforts have made an impact, many affordable housing providers and landlords of market rate units continue policies and practices that broadly exclude people with criminal records.

In 2015, the Housing and Affordability and Livability Agenda (HALA) committee recommended that the City address the barriers faced by renters with criminal records via legislation, education, and technical assistance. In response, the Mayor’s Action Plan to Address Seattle’s Affordability Crisis called for stakeholders to provide input on legislation that would address two goals: public safety and racial equity. OCR convened stakeholders for six meetings held between January 2016 and January 2017. Stakeholders represented a diverse array of interests including persons with prior convictions, legal advocacy organizations, landlord associations, nonprofit housing providers, and social service agencies specializing in working with people in re-entry (Fair Chance Housing Stakeholder list attached).

OCR also reached out to residents living at Jubilee Women’s Center (formerly Sojourner Place Transitional Housing), the Village of Hope, members of the Black Prisoners Caucus at Clallam Bay State Penitentiary, the FARE Coalition and the

¹¹ King County Juvenile Justice Statistics Comparison of 2015 to 2016

¹² <https://www.census.gov/quickfacts/table/PST045216/53033,53>

¹³ <http://www.sentencingproject.org/criminal-justice-facts/>

City of Seattle Reentry Workgroup for their input on this policy. All groups emphasized the importance of centering racial equity as a part of this legislation.

2d. What does data and your conversations with stakeholders tell you about existing racial inequities that influence people's lives and should be taken into consideration?

The genesis of the Fair Chance Housing bill has been led by community organizing by women living in transitional housing (Sojourner Place Transitional Housing) and community members with the Village of Hope, working to support women and men who were formerly incarcerated. From the outset, community members have been clear that the barriers to housing are rooted in structural racism and to address the barriers, we must address racism that persists across systems, including in the criminal justice system.

Structural racism and family reunification - During the public meeting OCR held in 2011, many mothers and fathers spoke about the inability to find housing to provide for their children because of their own record or their child's record. We know that nearly half of all children in the U.S. have one parent with a criminal record.¹⁴ With support from the Village of Hope, OCR staff visited with the Black Prisoner's Caucus at Clallam Bay State Penitentiary in October of 2016. When asked how many in the room were planning to return home to Seattle after their sentence was complete, about 80% said yes. A few of the men spoke about the obstacles facing them including knowing they have nowhere to live because their mother and girlfriends live in subsidized housing and they didn't want to jeopardize their family's ability to stay housed given screening criteria based on prior convictions. Those we have met with have been clear that community members with conviction records are not isolated individuals looking for places to live but are mothers, fathers, and children of people in our community. They are a part of our community.

Stakeholders shared that while efforts surrounding fair chance employment has provided some assistance, many community members who are able to find employment, including through programs like Targeted Local Hire, are not always able to find housing. Housing stability is critical in maintaining employment and ensuring stability for themselves and their family.

In 2016, the University of Michigan published a study on the unintended consequences of ban the box policies on racial equity. The study found that absent the ability to see criminal history information, employers relied on racial bias, associated blackness with criminality, and rejected applicants with a Black-sounding name. The study found that before Ban the Box was put into place white applicants received 7% more callbacks than similar black applicants. This disparity increased to 45% after Ban the Box was put into place.¹⁵ The white applicants with records received more call backs than Black applicants including Black applicants without criminal records. Black applicants without records were more likely to not be called back at a higher rate after Ban the Box was implemented. OCR brought this study into its conversations with community and with the Fair Chance Committee. In response, community was clear that the City's Fair Chance policy must center racial equity to ensure that there are no unintended consequences that cause greater harm.

To address this, the policy proposal includes a bright line look-back period to reduce instances where racial bias may be introduced into the process. OCR is also proposing that landlords receive anti-bias training. This training would be a requirement for a cause finding or settlement agreement and voluntarily for all others through a new Fair Home Program. Fair Chance Housing would also be subject to proactive enforcement through Director's Charges and housing testing.

¹⁴ Center for American Progress, "Removing Barriers to Opportunity for Parents With Criminal Records and Their Children" (December 2015)

¹⁵ Agan, Amanda Y. and Starr, Sonja B., Ban the Box, Criminal Records, and Statistical Discrimination: A Field Experiment (June 14, 2016). U of Michigan Law & Econ Research Paper No. 16-012.

2e. What are the root causes or factors creating these racial inequities?

Examples: Bias in process; Lack of access or barriers; Lack of racially inclusive engagement

Criminal justice system and race

In addition to the racial disparities in the criminal justice system outlined earlier, people of color, and African Americans in particular, are harmed by the ways in which race is wrongfully associated with criminality. Studies show that in the United States, there is a racially biased assumption, whereby “Blackness” gets closely associated with criminality. As Michelle Alexander writes, “Today mass incarceration defines the meaning of blackness in America: Black people, especially Black men, are criminals. That is what it means to be Black.”¹⁶ The narrative of public safety surrounding the need for criminal background checks does not exist outside this societal context.

Racial inequity in homeownership:

A recent report by the *Seattle Times* shows that only 28% of Black households in King County own their home, representing one of the lowest rates in the nation. For Latino households, the rate is 34%. In contrast, 68% of white households in King County own their home.¹⁷ Communities of color make up a disproportionate share of renters and practices impacting tenants have a disproportionate impact on these communities.

Seattle’s history of structural and institutional racism:

Seattle has a history of development practices rooted in institutional racism that has concentrated political, economic, and geographic power in white communities to the detriment of people of color. Red lining, racial covenants, “race neutral” zoning practices, inequitable job growth, and institutional support for gentrification have all contributed to severe racial inequities in Seattle’s housing demographics.¹⁸

Step 3. Determine Benefit and/or Burden.

Given what you have learned from data and from stakeholder involvement...

3. How will the policy, initiative, program, or budget issue increase or decrease racial equity? What are potential unintended consequences? What benefits may result? Are the impacts aligned with your department’s community outcomes that were defined in Step I.?

The potential unintended consequences that we have identified include:

2 year look back

This legislation allows landlords to take an adverse action based on a conviction record that occurred within two years from the rental application. This poses a risk to the applicants who have criminal history within those two years. A

¹⁶ Alexander, Michelle. *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*

¹⁷ http://www.seattletimes.com/seattle-news/data/the-rise-and-dramatic-fall-of-king-countys-black-homeowners/?utm_source=referral&utm_medium=mobile-app&utm_campaign=ios

¹⁸ Puget Sound Sage, “The HALA Recommendations, Why We Support Them, and Why it is About Race” <https://soundprogress.wordpress.com/2015/08/11/the-hala-recommendations-why-we-support-them-and-why-it-is-about-race/>.

majority of these individuals are experiencing homelessness and repeatedly involved in the criminal justice system for often low level offenses and the majority of these individuals are people of color.

In King County, 11,634 people are experiencing homelessness.¹⁹ An All Home survey found 55% of respondents reported being in jail or juvenile detention.²⁰ Also, 29% self-reported as Black or African American, 13% as Hispanic or Latino, 11% as multiple races, and 10% as American Indian or Alaska Native. For All Home's coordinated entry program of the unsheltered individuals, 53% of the family heads of households identify as Black or African American and 40% of young adults identify as Black or African American.²¹

Familiar Faces, a King County taskforce developing a plan to better support individuals with complex social and health issues who regularly interact with the King County Jail system.²² Of these "familiar faces" 58.6% are experiencing homelessness and 39.6% are Black.²³

The 2-year look back creates an access gap for individuals experiencing homelessness, with low level offenses, disproportionality living with disabilities, and disproportionality Black.

Michigan Study - Unintended Consequences of Ban the Box

As mentioned in 2d, the Michigan Study showed that once ban the box policies were implemented Black applicants were less likely to receive a call back because employers were associating blackness with criminality. Even though this legislation is intended to minimize racial bias, it will likely not be able to erase the amount of racial bias that plays in a rental housing decision.

The City's First in Time legislation will hopefully minimize some of these biases by requiring the landlord to rent to the first qualified applicant. First in Time coupled with Fair Chance Housing will require landlords to rent to an applicant based on qualifications.

Increase Standards for Screening Criteria

Still, landlords may increase the standards for screening criteria to discourage individuals with conviction records from applying, or to prevent successful applications from individuals with criminal history. Landlords have expressed that this legislation may compel them to increase their rental value, income requirements, credit score, and add other requirements which could likely screen out individuals living with criminal history.

Step 4. Advance Opportunity or Minimize Harm.

4. How will you address the impacts (including unintended consequences) on racial equity? What strategies address immediate impacts? What strategies address root causes of inequity listed in Q.6? How will you partner with stakeholders for long-term positive change? If impacts are not aligned with desired community outcomes, how will you re-align your work?

¹⁹ <http://allhomekc.org/wp-content/uploads/2016/11/Count-Us-In-2017-news-release-5-31-16.pdf>

²⁰ <http://allhomekc.org/wp-content/uploads/2016/11/2017-King-PIT-Count-Comprehensive-Report-FINAL-DRAFT-5.31.17.pdf>

²¹ <http://allhomekc.org/wp-content/uploads/2016/01/Coordinated-Entry-for-All-Evaluation-Quarter-Three-2016.pdf>

²² Familiar Faces Data Packet: Current State – Analysis of Population, Updated May 2016

²³ *Id.*

Program Strategies: Fair Home Program – This program will provide training on the use of criminal history in housing and other fair housing laws to landlords and property managers. The program’s goal will be to reduce racial and other bias in tenant selection. Completion of the training program will result in landlords receiving certification as a Fair Housing Home participant.

Policy Strategies: The Seattle Reentry Workgroup is already tasked with a review of City investments to recommend additional policies or strategies to support those who may be harder to house and who may require additional assistance to access stable housing. Fair Chance housing legislation will increase and expand the work of the Reentry Workgroup.

Ensure policy allows for strong proactive enforcement actions. This will occur through OCR’s Director’s charges and housing testing.

Partnership Strategies: Build education on this issue through training for housing providers and individuals seeking housing. Also, include this issue in future fair housing partner contracts so that more members of the community are aware of their rights and that agencies contact us when they see a violation occur.

Step 5. Evaluate. Raise Racial Awareness. Be Accountable.

5a. How will you evaluate and be accountable? How will you evaluate and report impacts on racial equity over time? What is your goal and timeline for eliminating racial inequity? How will you retain stakeholder participation and ensure internal and public accountability? How will you raise awareness about racial inequity related to this issue?

Conduct fair housing testing on the use of criminal records in housing every two years to see if outcomes are improving. Monitor racial inequities in housing cost burden data to see if we are moving the needle. Fold this issue into our overall education and outreach efforts with the community.

To measure unintended consequences similar to those found in the Michigan study, a pre/post evaluation should be done in order to measure the legislation’s impact. Funding would need to be identified for this evaluation to occur.

5b. What is unresolved? What resources/partnerships do you still need to make changes?

Funding for evaluation, Fair Housing Home program, outreach and education (implementation) still not determined.

OCR has had success using grants to community organizations to multiply our outreach efforts. With these grants, we are able to foster our community relationships, invest in community, allow for the subject matter experts to engage with their own community, and inform the community on fair housing and other discrimination laws.

Step 6. Report Back.

Share analysis and report responses from Q.5a. and Q.5b. with Department Leadership and Change Team Leads and members involved in Step 1.