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purposes only*

June 8, 2020

Mayor Adler
Austin City Council

Sent via email

Re: Support for the Fair Chance Housing Resolution

Dear Mayor Adler and Councilmembers,

I write on behalf of the National Law Center on Homelessness & Poverty (“Law Center”) to express our support for the Fair Chance Housing Resolution, and to urge the City of Austin to approve this important step toward ending and preventing homelessness. The Fair Chance Housing Resolution will not only remove unnecessary barriers to housing access, but it will also help to promote racial equity and reduce homelessness in Austin.

The Law Center is the only national legal advocacy organization dedicated solely to ending and preventing homelessness. We have over 30 years of experience in policy advocacy, public education, and impact litigation, and we have published numerous reports on best practices and model policies for ending homelessness. The Fair Chance Housing Resolution is just such a policy, and an example of the kind of policy that we promote in our report, *Protect Tenants, Prevent Homelessness*, which describes common-sense, cost-effective policies that can sustainably end the crisis of homelessness.

A lack of accessible, affordable housing is the primary cause of housing instability and homelessness in the United States, and in the City of Austin. With fewer affordable housing units than people who need them, individuals and families must pay far more than they can afford to keep roofs over their heads. Nearly half of all renters in Austin are cost-burdened, meaning that they pay more than 30% of their total household income on housing expenses. Worse yet, nearly a quarter of all renters in Austin are severely cost-burdened and pay more than 50% of their total household income on housing.

Housing cost burdens leave people at risk of eviction if they experience even a minor interruption in income from job loss, illness, divorce, or other destabilizing life event – events which have become increasingly common during the COVID-19 pandemic. Eviction can then lead to homelessness, especially when rental admission policies deny people with evictions on their records from accessing replacement housing. Indeed, rental admission policies that deny applicants with eviction histories – even when the

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evictions are old and circumstances have changed – can act as permanent barriers to housing access for individuals and families who need it.

Similarly, renters with criminal records often face substantial barriers to housing access, even when their convictions are old or for offenses wholly unrelated to their ability to be responsible renters. Convictions for misdemeanor traffic offenses, for example, may bar a renter’s access to housing despite a lack of any connection between the ability to drive a car and to responsibly rent a home. The difficulty people with criminal records face in accessing housing not only contributes to recidivism and inability to re-integrate into society after incarceration, but it also contributes to the growing crisis of unsheltered homelessness. Indeed, formerly incarcerated people are as much as ten times more likely to experience homelessness than members of the general public.

People of color, in particular Black men and women, are acutely harmed by a lack of fair housing choice due to eviction and criminal histories because they are overwhelmingly the subjects of evictions, arrests, and incarceration.¹ Policies that discriminate against people with criminal convictions, for example, disproportionately affect Black and Hispanic men, who are policed and incarcerated at much higher rates than their share of the general population. As a result, they are likelier to experience homelessness as a result of criminal records-based barriers to housing.²

These factors contribute to a heavy overrepresentation of people of color in the homeless population. Nationwide, 60% of people experiencing homelessness are people of color. Black people comprise a full 40% of people experiencing homelessness in this country, despite making up only 13% of the general population. Travis County and the City of Austin counted similar racial disproportionality in the 2020 Point-in-Time Count of people experiencing homelessness. Black people make up only 10% of the general population in Travis County, yet comprise about one-third of people experiencing homelessness.³

The Fair Chance Housing Resolution will remove unnecessary barriers to housing access, promote racial equity, and reduce homelessness in the City of Austin. By directing the City Manager to make recommendations related to rental policies that will improve fair housing choice for people with criminal and eviction histories, the City of Austin will take an important step toward preventing and ending homelessness, to the benefit of all. **We urge you to support the Fair Chance Housing Resolution.** I am happy to discuss this matter with you, and I am available at tbauman@nlchp.org and at 202-638-2535 x. 102.

Sincerely,



Tristia Bauman
Senior Attorney

¹ See e.g. National Law Center on Homelessness & Poverty, *Protect Tenants, Prevent Homelessness* (2018), available at <https://nlchp.org/wp-content/uploads/2018/10/ProtectTenants2018.pdf>.

² See e.g. National Law Center on Homelessness & Poverty, *Housing Not Handcuffs 2019: Ending the Criminalization of Homelessness in U.S. Cities* (2019), pg. 51, available at <https://nlchp.org/wp-content/uploads/2019/12/HOUSING-NOT-HANDCUFFS-2019-FINAL.pdf>.

³ ECHO 2020 Point-in-Time Count results One Pager available at <https://www.austinecho.org/wp-content/uploads/2020/05/PIT-2020-Three-One-Pagers.5.18.2020.pdf>

