



## Housing for Formerly Incarcerated Reentry and Stable Tenancy (Housing FIRST) Act

*Congresswoman Ayanna Pressley (MA-07), Congresswoman Rashida Tlaib (MI-12)*

### Background

Housing is a fundamental human right. However, systemic discrimination against people with criminal records in tenant screening serves as a barrier to housing access, economic stability, and public safety and contributes to the prison-to-homelessness pipeline. Approximately 90% of housing providers screen potential tenants by procuring tenant screening reports, which currently provide criminal record information regardless of expungements and pardons. This information is often used to summarily reject applications despite hundreds of federal lawsuits demonstrating a pattern of inaccurate reporting.<sup>1</sup>

Landlords' refusal to rent to individuals with a criminal record impacts more than 70 million people in the United States – nearly 1 in 3 adults. Due to disparate treatment, Black and brown folks have higher rates of involvement with the criminal legal system, leading to higher rates of housing denials. Moreover, people who are formerly incarcerated are almost 10 times more likely to be homeless than the general public.<sup>2</sup> Screening tenants for denial due to a criminal record hinders housing access for people who need it most.

Excluding formerly incarcerated people from safe and stable housing can have devastating consequences. It can reduce access to healthcare services (including addiction and mental health treatment),<sup>3</sup> make it harder to secure a job,<sup>4</sup> and prevent formerly incarcerated people from accessing educational programs.<sup>5</sup> Homelessness and housing insecurity can destabilize the entire reentry process and cause formerly incarcerated people to be arrested and imprisoned again, perpetuating a vicious cycle of mass incarceration.

### Housing FIRST Act

A past criminal history should not impede future housing access. Congresswoman Pressley's *Housing FIRST Act* is a bill that would protect renters by removing unjust barriers to housing and limiting screening criteria for criminal records in background checks. Specifically, this legislation would:

<sup>1</sup>How Automated Background Checks Freeze Out Renters, 2020, New York Times, <https://www.nytimes.com/2020/05/28/business/renters-background-checks.html>

<sup>2</sup>Nowhere To Go: Homelessness Among Formerly Incarcerated People, 2018, Prison Policy Initiative, <https://www.prisonpolicy.org/reports/housing.html>

<sup>3</sup>Association between the level of housing instability, economic standing and health care access: a meta-regression, 2008, National Library of Medicine, <https://pubmed.ncbi.nlm.nih.gov/19029747/>

<sup>4</sup>No Place Like Home: Housing and the Ex-Prisoner, 2001, <https://www.researchgate.net/publication/239616156> No Place Like Home Housing and the Ex-Prisoner

<sup>5</sup>Employment Status and Income Generation Among Homeless Young Adults: Results From a Five-City, Mixed-Methods Study, 2011, Youth and Society, <https://journals.sagepub.com/doi/abs/10.1177/0044118X11402851>

- 1) Prohibit a consumer reporting agency from furnishing a consumer report, for tenant screening purposes, that includes information related to an individual's criminal background;
- 2) Require consumer reporting agencies to disclose to the consumer, upon request, any person from whom the consumer reporting agency received information pertaining to a consumer's file;
- 3) Require a person who denies rental housing to or takes adverse action against a consumer to provide to the consumer the specific reasons for the denial or adverse action;
- 4) Create a national standard for criminal record information excluded from consumer reports;
- 5) Exclude records of convictions of crimes older than seven years from consumer reports for tenant screening purposes; and
- 6) Codify existing judicial interpretations that a consumer reporting agency must disclose the identities of people or vendors who gathered information on their behalf.

Endorsements: Justice 4 Housing, Vera Institute, National Consumer Law Center, National Housing Law Project, Center for Popular Democracy, Prison Policy Initiative, The Council for Incarcerated and Formerly Incarcerated Women and Girls, National Low-Income Housing Coalition.