



Fair Chance Housing

An Update on Seattle's Fair Chance Housing Ordinance

On August 14, 2017, the Seattle City Council passed an ordinance 8-0, which prevents housing providers from considering a person's prior criminal history in tenant screening. A copy of the ordinance can be found [here](#). WMFHA previously published a summary of the ordinance which can be found [here](#).

Jurisdiction & Effective Date: The law affects rental properties in the [City of Seattle](#) only and becomes effective [February 19, 2018](#).

Summary of the Law:

The law prevents the use of criminal history in resident screening and decision making, including arrest record, pending criminal charges and criminal convictions, except for registry information.

Registry information means information obtained from a local, state or national sex offender database. The law prevents use of sex offender registry information where the conviction occurred while the applicant was a juvenile. Juvenile convictions that require registration on the sex offender registry cannot be considered in the application process, even if the applicant is now an adult.

Prior to taking adverse action against an applicant on sex offender registry, the decision must be supported by a legitimate business reason. A legitimate business reason exists when a policy or practice is necessary to achieve a substantial legitimate business interest, after considering the (1) the nature and severity of the conviction; (2) the number and types of convictions found in the registry information; (3) the time that has elapsed since the date of conviction; (4) the age of the individual at the time of the conviction; (5) evidence of good tenant history before and/or after the conviction occurred; and (6) any supplemental information related to the individual's rehabilitation, good conduct or additional facts.

In considering a legitimate business reason, the housing provider can consider the convictions which mandate the applicant comply with sex offender registry requirements.

A legitimate business reason may include one of the following:

- The presence of 'latch-key' children in the community;
- The presence of vulnerable adults in the community; or
- A nearby school or daycare.

This list is not exclusive and may be different for each community and individual applicant. All information should be considered by the housing provider prior to taking any adverse action based on criminal history.

All applications must include a written notice with the following statement:

[Housing Provider] is prohibited from requiring disclosure, asking about, rejecting an applicant, or taking adverse action based on any arrest record, conviction record, or criminal history, except sex offender registry information.

If the property screens for sex offender registry information, the application also must include the screening criteria related to the sex offender registry information and must inform applicants they may

provide supplemental information, including but not limited to good conduct, rehabilitation, and facts and explanations surrounding the registry information. A sample statement is included below:

The tenant screening investigation includes a criminal background screening, limited to sex offender registry information only. All applicants will be screened for registry information. [Housing Provider] considers the entire application and considers prior convictions reportable under the Fair Credit Reporting Act and rules of Washington, limited to those appearing on a local, state, or national registry only. Consideration will be given to the following factors relating to the conviction(s) that requires registry on a local, state, or national sex offender registry:

- The nature and severity of the conviction;
- The number and types of convictions;
- The time that has elapsed since the date of conviction;
- Age of the individual at the time of convictions;
- Evidence of good tenant history before and/or after the conviction occurred; and
- Any supplemental information related to the individual's rehabilitation, good conduct, and additional facts or explanations provided by the individual.

As a reminder, in Seattle, all screening criteria must be provided in all advertising and on all property websites. For more information on [Seattle's First-in-Time ordinance](#), review our First-in-Time summary.

For more information on the Fair Chance Housing Ordinance, contact Brett Waller at brett@wmfha.org or (425) 656-9077.