

April 5, 2021

Ann Arbor City Council
City of Ann Arbor
301 East Huron Street
Ann Arbor, MI 48104
Submitted via email

RE: Written Testimony on Fair Chance Access to Housing Ordinance

Dear Council Members:

In response to a written request from Council Member Radina, we are writing to provide our feedback on the Fair Chance Access to Housing Ordinance currently before City Council.

Legal Services of South Central Michigan is nonprofit law firm that provides civil legal services to low-income individuals and older adults in Washtenaw County. In our work, we frequently represent tenants who are denied housing because a landlord will not accept tenants with housing subsidies, or tenants with criminal records. This is unfortunate, as landlords' reliance on criminal records as indicators of future tenants' suitability is misplaced. Criminal records are often wrong, and the third-party screening services that most landlords employ are notorious for pulling inaccurate and incomplete data.¹ Furthermore, researchers have not found strong statistical correlations between individuals' criminal records and their performance as tenants.²

The proposed Fair Chance Access to Housing Ordinance will expand housing access in Ann Arbor for our clients by eliminating the barriers to housing that a criminal record creates. The ordinance reaches a broad number of applicants, covers broad categories of rental housing, and contains strong enforcement mechanisms. This ordinance will have an especially large impact on our clients of color, who are disproportionately represented in the criminal justice system.³ Because there is a high co-occurrence of homelessness and

¹ See, e.g., <https://www.nytimes.com/2020/05/28/business/renters-background-checks.html>.

² See, e.g., Ehman & Reosti, [Tenant Screening in an Era of Mass Incarceration: A Criminal Record is No Crystal Ball](#), NYU Journal of Legislation and Public Policy *Quorum*, 2015, pp. 16-22 (finding no studies showing correlation between records and negative housing outcomes), and see [Success in Housing: How Much Does Criminal Background Matter?](#), January 2019, Wilder Research (finding that most convictions had no negative impact on outcomes, and the handful that did only increased negative outcomes by 3-9%).

³ In Michigan in 2018, for example, African-Americans comprised 14% of the state's population but 49% of those incarcerated. Correctional Control 2018: Incarceration and Supervision By State, Michigan Profile, Prison Policy Institute, [available at https://www.prisonpolicy.org/reports/correctionalcontrol2018.html](https://www.prisonpolicy.org/reports/correctionalcontrol2018.html).

history of incarceration,⁴ the ordinance is also likely to increase housing access for individuals experiencing homelessness.

Once enacted, we would strongly encourage the City to actively publicize and enforce the ordinance, as well as the City's prohibition on housing discrimination based on source of income codified in Chapter 112. These ordinances provide powerful mechanisms to expand housing access, but only if tenants know about and can exercise the protections.

Thank you for your interest in seeking our organization's input on this important topic. Please do not hesitate to contact us if you have any questions.

Sincerely,

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/s/ Elizabeth Benton
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⁴ Formerly incarcerated individuals are 10 times more likely to experience homelessness than the general population. 2019 Annual Report, Michigan Coalition to End Homelessness, p. 5, *available at* https://mihomeless.org/wp-content/uploads/2021/01/2019_Annual-Report_final.pdf.