

Notes of the Tenant-Landlord Commission's (TLC) Housing Discrimination Subcommittee meeting which took place on 9/18/19 from 7:02 PM until 8:06 PM with Nicole Harmon, Bismah Ahmed (on the phone), Roland Watkins, Vanessa Street, David Kennedy, and Kellen MacBeth in attendance:

- **Housing Matters Forum (10/3 and 10/7)** - Kellen provided an overview of the support the subcommittee members have provided to the Department of Human Services (DHS) and Department of Community Planning, Housing and Development (CPHD) related to the event since the last subcommittee meeting in July. He and Bismah have been participating in bi-weekly planning calls to help shape the agenda, format, and logistics. TLC commissioners have been invited to serve as facilitators for the two events and Kellen will work with Rolda to send out a sign-up email to commissioners so Nicole has that information no later than Friday, September 27th. Nicole also provided updated flyers at the meeting (attached to this email) to market the event.
- **Arlington Public Housing Authority (PHA) Criminal History Screening** - Vanessa provided an overview of Arlington's Housing Choice Voucher (HCV) Administrative Plan which is submitted to the Department of Housing and Urban Development (HUD) related to criminal activity and criminal history screening. DHS staff worked with the County Manager this summer to update the Administrative Plan but have not released the new version publicly. Kellen expressed concern with Section 3-III.C. "Other Permitted Reasons for Denial of Assistance" of the Administrative Plan posted on the website for being overly punitive. He stated that it goes beyond HUD's requirement to prohibit individuals who been convicted of manufacturing methamphetamine on federally assisted property and applicants who are required to register as sex offenders for life from being eligible for HCVs and instead prohibits applicants with any drug-related offense or violent criminal history from being eligible for HCVs. He stated that he was particularly concerned that the policy appears to treat marijuana possession the same as methamphetamine production. Vanessa and Nicole explained that while the policy states that these criminal histories make a person ineligible, the PHA has broad authority to consider the full circumstances of a person's criminal history and almost never denies an applicant eligibility based on their criminal history. The procedures for making exceptions are explained later in the Administration Plan. Kellen expressed concern that the PHA's policy could serve as a model for private landlords and the restrictions in place, taken at face value, could lead a landlord to adopt criminal history screening policies that lack evidence supporting that they actually keep communities safer or lead to better tenancy. Those landlords would likely not know that the PHA typically makes an exception for applicants with criminal history by looking at other mitigating factors and the circumstances of the offense. He referenced HUD's 2016 guidance on consideration of criminal history for landlords that placed the burden on landlords to prove that their criminal history policy actually makes the community safer or results in better tenancies. Vanessa also explained that while the PHA determines eligibility for HCVs, landlords who accept the HCVs determine suitability and that the PHA has no control over the type of criminal history screening that landlords do. The attendees agreed to continue researching the issue and work with DHS to see what options may be available related to the criminal history screening policy within the PHA. David asked several questions about the HCV program and landlord acceptance of them and Vanessa and Nicole provided clarification. Nicole noted that the Housing Grant program has no criminal history screening procedures to determine eligibility and that its eligibility criteria was posted to the County website last Friday.
- **Barriers to Housing for Residents with Criminal History Event** - Kellen introduced his idea to hold a community event later this year or early next year to bring together stakeholders,

tenants, and landlords to discuss housing barriers faced by those reentering society after prison/jail. He would like to use the event as a way to provide academic information/research on the subject as well as begin to understand how various stakeholders--nonprofits, county staff, elected officials, landlords, tenants, and interest groups--feel about the issue and begin to develop policy solutions/recommendations. He noted that some landlords within Arlington screen for criminal history and some do not and that it remains very difficult for formerly incarcerated individuals, especially people of color, to find adequate housing after release. The attendees discussed working with specific groups like the Human Rights Commission, academic partners (like George Mason or Georgetown), nonprofit partners (like A-SPAN, OAR, Catholic Charities), landlords groups (AOBA, NVAA), DHS and CPHD, the Continuum of Care, Arlington Community Foundation, and the NAACP Arlington Branch for the event. The attendees were supportive of the idea. Kellen also said that he hopes to find one or more partner organizations who can do more of the heavy lifting and to help sustain the effort after the event. He recognizes that the commissioners and county staff have limited resources to contribute to an event of this scale. Vanessa noted that she had been to a similar event in Ohio a few years ago that was a full-day conference and found it to be very informative and helpful and that could serve as a model for what the subcommittee might do.

- **FHAIR Update** - Kellen stated that he recently met with APAH to discuss the SOI housing discrimination proposal and their feedback. They had already seen the proposal this summer and were supportive. They discussed some of the costs associated with the HCV program and referred him to their property manager to learn more about what works well and what could use improvement with the administration of the HCV program in Arlington. Kellen also plans to ask NVAA to coordinate a landlord focus group on the topic per their offer over the summer.
- **Landlord Survey** - Kellen noted that he had sent the eviction, HCV/source of income, and criminal history, 10-question survey to AOBA and NVAA on Tuesday for consideration. Bismah said that AOBA wanted to discuss some additional concerns they have about the questions with Kellen. Kellen said he is happy to discuss the questions and is looking forward to getting the survey results later this fall to help inform their subcommittee work.