



SB 460 (Wahab): FAIR CHANCE HOUSING

SUMMARY: The bill would establish the first statewide fair chance housing legislation which would provide a pathway for individuals with criminal records reentering society to access, obtain, and sustain housing. This bill removes structural housing exclusion by preventing rental housing providers from screening for criminal history of applicants during the advertisement, application, selection, or eviction process unless required by federal law.

THE PROBLEM: California has a preexisting housing crisis and homelessness catastrophe that is exacerbated by housing barriers for people with criminal records. In CA, an estimated 8 million people have criminal records, roughly one in five individuals.¹ Seventy percent of people experiencing homelessness have a criminal record.² Individuals with criminal histories often face daunting and unnecessary barriers to accessing, obtaining, and maintaining housing only because they have a criminal record.

For formerly incarcerated people who are reentering society, housing stability is a necessity for moving forward with their lives and reducing recidivism. If people released from prison do not have access to housing, they are 10 times more likely to be homeless and 27 times more likely to be unstably housed than the general public. This can result in increasing recidivism by 70% each time a person moves.^{3 4}

Current state law allows housing providers to discriminate against a person based on their criminal record while accessing and obtaining housing. With the help of formerly incarcerated individuals and housing providers, some cities in California including Oakland and Berkeley have successfully passed laws that ban routine criminal

background checks in most housing applications, while other cities in California have done so on a smaller scale.⁵ Additionally, a growing number of jurisdictions across the country have either passed similar laws or are in the process of passing them.⁶ Providing access to stable housing and strengthening family support systems would reduce the likelihood that people in reentry will recidivate or return to prison while increasing the likelihood that they will invest in themselves, their families, and their communities.

THE SOLUTION: This bill would prohibit housing providers from screening the criminal history of rental applicants in advertisements or during the application, selection, or eviction process.

SB 460 would apply to any and all housing in the State of California, including private rental housing and publicly subsidized units including those administered by affordable housing providers and housing authorities funded by the United States Department of Housing and Urban Development.

SUPPORT:

- All of Us or None (co-sponsor)
- Just Cities (co-sponsor)
- Legal Services for Prisoners with Children (co-sponsor)
- Root & Rebound (co-sponsor)
- Western Center on Law and Poverty (co-sponsor)

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¹ Californians for Safety and Justice. (May 2018). *Repairing the Road to Redemption in California*.
https://safeandjust.org/wp-content/uploads/CSJ_SecondChances-ONLINE-May14.pdf

² California Health Policy Strategies. (Nov 2018). *Criminal Justice System Involvement and Mental Illness Among Unsheltered Homeless in California*.
<https://calhps.com/wp-content/uploads/2018/11/policy-brief-unsheltered-homelessness-11.20.2018.pdf>

³ Chew, A., & Flegal, C. (2020). *Facing History, Uprooting Inequality: A Path to Housing Justice in California*. PolicyLink.
<https://www.policylink.org/resources-tools/housing-justice-in-california>

⁴ Couloute, L. (2018). *Nowhere to Go: Homelessness Among Formerly Incarcerated People*. Prison Policy Institute.
<https://www.prisonpolicy.org/reports/housing.html>

⁵ Richmond and San Francisco have versions of Fair Chance Housing ordinances.

⁶ Portland and Seattle have local laws denying housing to those with past convictions, and New York City is on the verge of passing theirs.