



BILL NO: 21-0706
TITLE: Fair Criminal Record Screening for Housing Act of 2016
COMMITTEE: Judiciary
HEARING DATE: July 11, 2016
POSITION: SUPPORT

The Amara Legal Center strongly supports the passage of D.C. Council Bill 21-0706 and applauds Councilmember McDuffie for introducing it. The Amara Legal Center is a nonprofit legal services organization which provides free legal services to individuals, such as survivors of sex trafficking, whose rights have been violated while involved in commercial sex in the Washington, D.C. metropolitan area. Bill 21-0706 would expand the impact of the Fair Criminal Record Screening Amendment Act of 2014 by extending the protections against employment discrimination to include protections against housing discrimination. In addition, the bill would bring D.C. law into alignment with the United States Department of Housing and Urban Development's ("HUD") recently released guidance document that protects D.C. residents with criminal histories who are seeking federally subsidized housing.¹

The Amara Legal Center supports this bill because it will enhance the effectiveness of D.C.'s response to human trafficking by improving access to adequate housing for survivors who have been criminalized as a result of their involvement with a trafficker. In addition to the abuse, coercive control and manipulation victims of trafficking routinely face, many victims are arrested, charged and convicted of crimes they were forced to commit by their trafficker.² In fact, over 90% of our clients have criminal records for crimes that they were forced to commit against their will, such as prostitution, trespassing and drug possession. D.C. eased the weight of this injustice in 2014 when it restricted the degree to which employers could base employment interview decisions on someone's criminal history. Bill 21-0706 will further benefit trafficking survivors unjustly laden with criminal records related to their trafficking experiences.

As a result of the criminalization of their trafficking experience, our clients face numerous barriers to reintegration into society. One such historical barrier has been access to safe and adequate housing. The recent HUD guidance document is a critical step in removing that barrier for our clients because many of them rely on receiving federal vouchers to gain access to subsidized housing and escape life on the street. Knowing the potential benefit of the HUD regulations, we recognize that an aligned D.C. law will also benefit others who seek housing accommodations not covered by existing federal

¹ United States Department of Housing and Urban Development, *Office of General Counsel Guidance on Application of Fair Housing Act Standards to the Use of Criminal Records by Providers of Housing and Real Estate-Related Transactions* (April 2016), https://portal.hud.gov/hudportal/documents/huddoc?id=HUD_OGCGuidAppFHASandCR.pdf.

² See United States Department of State, *The Use of Forced Criminality: Victims Hidden Behind the Crime* 1 (June 2014), <https://www.state.gov/documents/organization/233938.pdf>.



regulations. The proposed law will deter housing providers from basing housing application decisions on a person's criminal history.

Although we will continue to encourage the D.C. Council in 2016 to join with nearly 30 states and pass a vacatur statute in Washington, D.C. for trafficking survivors,³ this proposed bill, combined with the Fair Criminal Record Screening Amendment Act of 2014, has great potential to aid our clients in their efforts to escape poverty. If our clients are unable to secure adequate housing, they run the risk of living on the street or in other vulnerable settings that open them back up to exploitation by a trafficker. Survivors who were unjustly convicted of forced criminal activity deserve better, and this bill is another step in the right direction.

Bill 21-0706 would reduce the chance that survivors of human trafficking will be denied access to safe and adequate housing. For this reason, the Amara Legal Center supports Bill 21-0706. We respectfully urge a favorable report.

Sincerely,

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³ For more information about why vacating non-violent trafficking-related offenses from a survivor's criminal record is preferable to simply sealing those records, *see* Amara Legal Center, *Vacatur Statute in D.C.* (January 29, 2016), <http://www.amaralegal.org/#!/Vacatur-Statute-in-DC/c1hmk/56ab94130cf2c295f1f53aa8>. Vacatur statutes allow human trafficking survivors to have criminal convictions overturned and the records destroyed upon proving that the crime at issue was committed as a result of the force, fraud or coercion of human trafficking.