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DC Council Reduces Barriers to Rental Housing

Posted on Mar 9, 2022 in [DC Policies and Plans](#), [Homelessness](#), [Housing](#), [Law](#) | [0 comments](#)

In the fall of 2015, in the basement of our office in the True Reformer building, a group of community members, service providers, advocates and District agency representatives met for the first time as a workgroup of the Interagency Council on Homelessness (ICH) to identify major barriers to housing and possible solutions. (The group later separated from the ICH and became an independent community coalition.) We identified criminal history, rental or eviction history, credit history, voucher discrimination and high fees as the biggest barriers people faced obtaining housing (beyond affordability of course). Our first major legislative effort as a coalition was to advocate for the Fair Criminal Records Screening Act for Housing, which restricts the use of criminal records in tenant screening.

Next, we turned to considering how best to lower rental and credit barriers, implement clear expectations for applicants and landlords, and create a fair standard for screening people with vouchers. Over the last few years, we held dozens of listening sessions and focus groups with people experiencing homelessness to learn about their frustrations within the search for housing and their ideas for solutions to break down the barriers. We heard complaints about excessive application fees, lack of application status updates, lack of information as to the reason for denial, and concerns about discriminatory behavior towards applicants with vouchers. Those insightful conversations served as the framework for legislation that the coalition has worked on for the last few years—legislation that the DC Council passed on March 1 that will dramatically change that reality for our clients: the *Eviction Record Sealing Authority and Fairness in Renting Amendment Act of 2022*.

Here are some highlights of the legislation (some parts of the law are already in effect through emergency legislation but others are not yet in effect):

- Caps application fees so that applicants won't have to pay more than \$50 to apply for housing (and get the fee refunded if it isn't used);
- Creates an effective system for sealing eviction records, ensuring that tenants are not negatively impacted forever by eviction (DC has already sealed hundreds of thousands of records for DC residents!);
- Strengthens voucher discrimination protections by closing loopholes, preventing landlords from asking about or denying housing to voucher holders for:
 - Credit issues, late rent, or nonpayment of rent that happened when the applicant didn't have a voucher; or
 - Income, credit score, or lack of credit score.
- Prohibits landlords from denying applicants based solely on credit score or based on old or irrelevant rental history or sealed evictions;
- Requires landlords to have a transparent process for screening applicants, including telling applicants about the eligibility criteria and unit availability up front and providing written notice when an application is denied that includes all the information used in the decision;
- Establishes clear timelines within the application process so that applicants know what to expect and can better assert their rights; and
- Creates a process for enforcement of protections through Office of Human Rights and D.C. Superior Court.

The path to passage of the *Eviction Record Sealing Authority and Fairness in Renting Amendment Act of 2022* passage certainly was not smooth. It took years of advocacy, various hearings, and dogged persistence. We appreciate the participation and guidance of impacted community members in setting a framework for solutions. We appreciate all of our partners and allies who have been active participants in the coalition since the beginning—researching best practices, drafting language, testifying at hearings, and advocating for the strongest protections we could get. We also thank all of you who advocated for the return of key provisions protecting voucher holders after the sections were removed at the last minute. We are sincerely grateful that Councilmember Charles Allen led the effort to amend the bill so that those protections were not lost. Additionally, we thoroughly appreciate the support and active engagement of Councilmembers Silverman, Mendelson, Cheh, and their staff in strengthening this legislation and making sure that it crossed the finish line to be unanimously passed by DC Council.

Our clients have often faced insurmountable barriers to housing. While this legislation does not correct all of the existing hurdles that extremely low-income residents face, it is a monumental step towards greater access to housing for all. Our next effort will be to ensure that funding is devoted in the budget so that the entire legislation goes into effect and DC residents can fully enforce their new rights.

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