

Michael Havlik

Multifamily NW

SB - 291

Multifamily NW is supportive of the Federal guidance from HUD on the individualized assessment process, and are supportive of the majority of SB 291-11.

The reason we oppose SB 291-11 in it's current form is that it misses a crucial distinction: the process can't be conducted if the Applicant does not participate to provide mitigating information.

The HUD guidance reads:

“Individualized assessment of relevant mitigating information beyond that contained in an individual’s criminal record is likely to have a less discriminatory effect than categorical exclusions that do not take such additional information into account.”

If an applicant does not provide additional relevant mitigating information, all Screener has is the individual’s criminal record, which does not contain anything individualized or mitigating.

Having conducted more than a hundred of these throughout my career in property management, ALL of the decisions hinged on information the applicant and/or their case manager provided.

The criminal record alone does not provide anything useful beyond functioning as a tool to generate a binary Yes/NO conclusion when applied to the Screening Criteria.

This bill will trigger a lot of confusion around compliance. It will certainly not be implemented consistently.

Ultimately, applicants should have the right to decide if they want this process done. This law does not leave the decision to the applicant. Housing providers must conduct the IA whether the applicant wants this or not.

Some applicants do not wish to re-litigate their past, and it should be their option to opt into an intrusive investigation of their personal data. Federal rules give the applicant the choice to engage with the landlord about their past, while this bill does not.

Our request is that the Individualized Assessment process only be required if relevant mitigating information is provided, consistent with HUD’s guidance. Below we have submitted for the record an amendment we believe comports with the guidance.

Thank you.

Michael Havlik
Deputy Executive Director
Multifamily NW

Recommended Language, SB 291

(5) Before denying an application for housing on the basis of criminal history, a landlord must provide an opportunity for the applicant to submit supplemental evidence to explain, justify or negate the relevance of potentially negative information. If an applicant provides supplemental evidence prior to the dwelling being leased to another applicant, a landlord shall conduct an individualized assessment of the applicant, including any supplemental evidence, taking into consideration:

- (a) The nature and severity of the incidents that would lead to a denial;
- (b) The number and type of incidents;
- (c) The time that has elapsed since the date the incidents occurred; and
- (d) The age of the individual at the time the incidents occurred.