



Affirmatively Furthering Fair Housing (AFFH) Task Force

TOPIC AREA: LANDLORD / TENANT

RECOMMENDATION: Non-Discriminatory Tenant Screening Criteria

Synopsis of Recommendation: The Pittsburgh Commission on Human Relations (PCHR) should (1) advocate for the prohibition of use of criminal records in housing admissions, (2) publicize the Department of Housing and Urban Development's (HUD) guidance on the use of criminal records in housing admissions, (3) educate landlords on the use of criminal records as screening criteria and (4) enforce violations of the HUD and PCHR guidance.

The City of Pittsburgh should review and adopt an ordinance similar to Seattle's Fair Chance Housing Act that will make it illegal to deny a prospective tenant housing based on their past criminal history. This ordinance should include only limited exceptions for offenses that require registration because of Megan's Law (Sex Crime) convictions and for accessory structures or homes in which an owner also occupies.

RECOMMENDATION: Non-Discriminatory Tenant Screening Criteria For Applicants with Past Evictions

Synopsis of Recommendation: The Pittsburgh Commission on Human Relations should issue and publicize its own guidance on the use of eviction history in housing admissions, educate landlords on the use of eviction history as screening criteria and enforce violations of the PCHR guidance. The PCHR guidance on eviction history should state that a landlord's denial of admission to a member of a protected class due to an applicant's eviction court record will be considered prima facie evidence of discrimination if the court action was appealed, dismissed or withdrawn before the submission of the rental application, if judgment was entered in favor of the applicant before the submission of the application, or if judgment was entered against the applicant five or more years before the application was submitted²². To assist rental applicants in determining whether a denial of admission was based on inappropriate screening criteria, the City of Pittsburgh should require landlords to share their screening criteria with applicants in advance and inform them of the specific reason or reasons for adverse decisions.²³

RECOMMENDATION: Tenant Protections: Good Cause Requirement For Residential Lease Termination and Eviction Defense Legal Assistance

Synopsis of Recommendation: The City of Pittsburgh should adopt effective measures to safeguard City renters against faultless evictions: 1) by enacting an ordinance requiring "good cause" for residential lease terminations, 2) by requiring housing providers who receive City assistance, including discretionary planning and zoning approvals, to incorporate a "good cause" requirement

into their leases, and 3) by robustly funding eviction defense legal assistance for low-income renters by legal aid and *pro bono* attorneys and, perhaps, the law schools. The need for these measures in the City is very clear and growing, particularly for low-income renters protected by the Fair Housing Act, who are disproportionately at risk of homelessness or housing instability due to arbitrary, discriminatory, retaliatory, erroneous or otherwise faultless eviction from their homes.

RECOMMENDATION: Reasonable Accommodation Clause In Lease/Rental Agreements

Synopsis of Recommendation: Local government has a duty imposed by Congress to affirmatively further the requirements of the Fair Housing Act. One significant requirement is that landlords must make all reasonable accommodations to rules, policies, practices, or services when such accommodations are necessary to afford a person with a disability the equal opportunity to use and enjoy a dwelling. This requirement has very little public awareness, and non-compliance is a persistent problem.

Local government has found methods to require landlords and sellers to inform applicants of a wide-variety of issues – from the inclusion or exclusion of mineral rights to notice of mine subsidence. To the extent practical, local government should exercise power and discretion to require landlords and sellers to add an addendum advising parties about the Fair Housing Act’s requirements regarding reasonable accommodations being available in appropriate cases and the mechanism the landlord / seller wishes to establish for the acceptance of reasonable accommodation requests.

RECOMMENDATION: Maximize Use Of The Section 8 Home Ownership Program As A Mechanism To Affirmatively Further Fair Housing

Synopsis of Recommendation: Pittsburgh and Allegheny County should promote the Section 8 Home Ownership program, in order to:

- increase home ownership opportunities for racial minority and protected class members;
- increase integration and erase segregation patterns by opening housing opportunities in neighborhoods with limited numbers of rental units;
- increase the availability of additional affordable housing units by opening the market of affordable houses for-sale to voucher holders;
- make available the proven asset-building function of home ownership to protected class members
- avoid the “not-in-my-backyard” (NIMY) capacity of home owner majority neighborhoods to block development of affordable rental housing.

The Section 8 Home Ownership program is a practical and sustainable way to promote and support home ownership for low income families. Pittsburgh and Allegheny County have a significant number of affordable houses for sale. The Section 8 Home Ownership program provides a mechanism to make these affordable homes available to a significant number of protected class members. Home ownership is an effective way to help poor families build assets, which can reduce the persistence of poverty.