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TO: The Honorable Detroit City Council

FROM: David Whitaker, Director 
Legislative Policy Division Staff

DATE: April 26, 2024

RE: **RESOLUTION SUPPORTING THE MICHIGAN FAIR CHANCE ACCESS TO HOUSING ACT (HB 4878)**

Council President Pro Tempore James E. Tate requested that the Legislative Policy Division (LPD) draft a resolution in support of the Michigan Fair Chance Access to Housing Act.

Please contact us if we can be of any further assistance.

BY COUNCIL PRESIDENT PRO TEMPORE JAMES E. TATE

**RESOLUTION SUPPORTING THE MICHIGAN FAIR CHANCE ACCESS TO HOUSING ACT
(HB 4878)**

- WHEREAS,** In June of 2023, Michigan Representative Abraham Aiyash introduced the Michigan Fair Chance Access to Housing Act (HB 4878); and
- WHEREAS,** HB 4878 aims to address the housing needs of people transitioning from prison by prohibiting landlords from making inquiries about an applicant’s criminal record, except in very limited circumstances; and
- WHEREAS,** The United States has adopted incarceration as its primary means of punishment for crime, and it maintains the world’s largest known prison population with 20% of the world’s prisoners despite having 5% of the world’s population;¹ and
- WHEREAS,** The transition back to daily life after incarceration is often difficult, as incarceration can have lasting effects due to solitary confinement, abuse, deprivation, harsh living conditions, and elevated levels of stress and anxiety. Incarceration can also exacerbate existing issues, as a significant portion of prisoners have existing substance abuse and/or mental health issues when they enter prison;² and
- WHEREAS,** In addition to the physical and mental toll, many people leaving prisons have strained or minimal social connections to aid in their transition after release because it is often difficult to maintain communication due to onerous visitation policies at prisons, travel cost associated with visiting, and the cost of making or receiving calls from people who are incarcerated; and
- WHEREAS,** While the above challenges are already substantial, it is particularly difficult for ex-offenders to find employment and housing due to the stigma associated with a criminal conviction. If given the choice, many landlords refuse to rent to convicted felons despite evidence that criminal history is not predictive of a successful tenancy;³ and
- WHEREAS,** Housing is a basic human right necessary for the survival of all people, but it is also a matter of fundamental fairness that individuals who have served their sentences for criminal convictions be provided with a reasonable opportunity to move forward with their lives and not remain in a state of perpetual punishment; and
- WHEREAS,** Providing increased access to housing for ex-offenders is also practical, as a lack of housing increases the likelihood of recidivism, creates more homelessness, and often results in negative health outcomes; and

¹ <https://www.aclu.org/issues/smart-justice/mass-incarceration>

² Freeman, Richard. 1992. “Crime and the Employment of Disadvantaged Youths.” In *Urban Labor Markets and Job Opportunities*, edited by George Peterson and Wayne Vroman Washington D.C. The Urban Institute Press. And Travis, Jeremy; Amy Solomon, and Michelle Waul. 2001. *From Prison to Home: The Dimensions and Consequences of Prisoner Reentry*. Washington D.C. The Urban Institute

³ <https://cdn.americanprogress.org/wp-content/uploads/2014/12/VallasCriminalRecordsReport.pdf>; Merl Elman and Anna Reosti, “No Crystal Ball – The Lack of Predictive Value of a Criminal Record in Residential Tenant Screening and What It Means for Premises Liability in Washington; Thacher, “The Rise of Criminal Background Screening in Rental Housing.”

WHEREAS, The City of Detroit has already taken action to address this important issue, and the Detroit City Council unanimously approved a Fair Chance Access to Rental Housing Ordinance in 2019; **NOW THEREFORE BE IT**

RESOLVED, The Detroit City Council strongly urges the Michigan legislature to enact HB 4878, also known as the Michigan Fair Chance Access to Housing Act; **THEREFORE, BE IT FINALLY**

RESOLVED, That the Detroit City Clerk is directed to send this resolution to the Detroit delegations of both the Michigan State House and Senate, in addition to Governor Gretchen Whitmer.