



ARIZONA CIVIL RIGHTS ADVISORY BOARD

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April 10, 2007

Ms. Rebecca Flanagan
Field Office Director
U.S. Department of Housing and Urban Development
One North Central Avenue, Suite 600
Phoenix, AZ 85004

Mr. Terry Feinberg
Executive Director
Arizona Multihousing Association
5110 N. 44th Street, Suite L-160
Phoenix, AZ 85018

Mr. Tim Zehring
Executive Director
International Crime Free Association
P.O. Box 31745
Mesa, AZ 85275-1745

Ms. Susan Brenton
Executive Director
Manufactured Housing Communities of Arizona
4525 S. Lakeshore Drive, Suite 101
Tempe, AZ 85282

Re: Crime Free Housing Programs

Dear Ms. Flanagan, Ms. Brenton, and Messrs. Feinberg and Zehring:

The Arizona Civil Rights Advisory Board recently examined the issue of crime free housing programs, including crime free lease addendums, and their impact upon civil rights in Arizona. The Board held public hearings in Tucson (July 2006) and Phoenix (February and March 2007) at which substantial testimony was received from members of the public who had strong opinions about the pros and cons of crime free housing programs. During those hearings, our Board heard testimony from the housing industry, housing advocacy groups, government representatives, and private individuals who are

and have been directly affected by crime free housing programs. We recognize that the issue of crime free housing is multifaceted and that crime free programs serve a necessary purpose in today's society. In most instances, people who commit crimes are not protected by fair housing laws. However, as a result of our public hearings and after consideration of the issue, the Board is concerned that civil rights violations may arise due to the implementation of crime free housing programs.

In particular, we are concerned that crime free programs could potentially be used as pretext for underlying discriminatory actions on the part of owners, property managers and homeowners' associations. In a situation where a landlord or property manager may be contemplating a discriminatory eviction or other housing practice, a minor violation of a crime free lease addendum could be cited by the landlord as the "true" reason for the action.

Additionally, several housing industry speakers indicated that they believe the fair housing laws require them to treat everyone equally when screening applicants or enforcing crime free lease addendums. The Board encourages the housing industry to be mindful of the reasonable accommodation provisions of the Arizona and Federal Fair Housing Acts when screening potential applicants and otherwise implementing crime free housing programs. For example, persons with serious mental illnesses may have a higher incidence of nonviolent "survival crimes" related to periods of homelessness, such as loitering and public urination. These people may also be more vulnerable to interaction with undesirable people on the property and may lose their housing due to crime free lease addendum provisions that hold tenants liable for the actions of guests and other third parties with whom they associate. The fair housing laws protect individuals with mental disabilities unless they pose a direct threat *after* attempted application of all available reasonable accommodations.

Crime free programs may also have a disparate impact on women and families with children who are victims of domestic violence. Such vulnerable people could lose their housing if a domestic violence incident occurs on the property or the abuser returns without the tenant's knowledge or permission.

Finally, the Board is concerned about the potential disparate impact of crime free housing programs on certain racial and ethnic minority groups who represent a disproportionately high percentage of people with criminal backgrounds. At one forum the Board received information that as of 2002, the crime free housing programs used by the City of Phoenix alone placed 186 rental properties with 129,000 rental units effectively off limits for any felon who had a criminal conviction in the past five years. Other attendees stated that they have been barred from rental housing indefinitely due to criminal convictions.

The Board recognizes that there are challenges in properly balancing the legitimate housing needs of individuals with those of landlords and managers who are making eligibility determinations about individuals seeking housing while also

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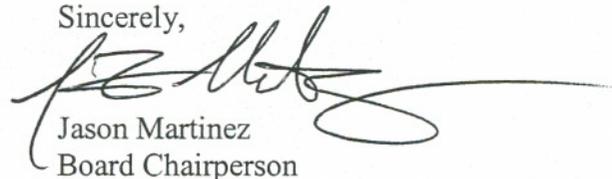
Page 3

attempting to provide a safe environment for tenants and avoid liability. We encourage all groups to be cognizant of the potential civil rights impact of crime free housing programs. In that regard, we believe that fair housing training is imperative for all landlords, property managers, leasing agents and homeowners' association board members involved in implementing crime free housing programs. We also encourage housing providers to engage in open dialogue with housing advocates with a view toward adopting policies for implementing crime free housing programs that are based on individual factors, including the applicability of reasonable accommodation for disabled individuals whose criminal backgrounds may be related to their disabilities.

The Board seeks your cooperation in disseminating this letter to landlords and property managers (e.g. publication in *Apartment News* magazine, member distribution lists, etc.), and would be happy to facilitate further discussion among interested groups. Due to the important fair housing issues raised at our public hearings, the Board plans to continue monitoring the impact of crime free housing upon the civil rights of the citizens of this State.

If you have any questions or comments about this letter or the activities of the Board, please contact the Board's Executive Director, Melanie Pate at 602-542-7716 or Melanie.Pate@azag.gov.

Sincerely,



Jason Martinez
Board Chairperson

cc: Ms. Dora Vasquez, Director, Governor's Office of Boards and Commissions
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