

## MEMORANDUM IN OPPOSITION

### Intro. 632

The Rent Stabilization Association represents 25,000 owners and managers who collectively manage over 1 million units of housing. Owners and managers have a legal and moral obligation to provide safe housing for their tenants and shareholders. Intro. 632 would remove an owner's ability to do a criminal background check on prospective tenants, except to check the New York State sex offender registry.

A criminal conviction is not and should not be a blanket obstacle to obtaining housing. When housing accommodations are being leased, a host of factors must be considered, a criminal history is just one. There are many components for a property owner to consider including financial, fair housing and legal obligations. After ensuring that an applicant has the financial means, the owner also has to meet their legal obligations to satisfy the warranty of habitability that provides important assurances to all residents of a building. This may mean that an applicant's criminal history is relevant, but it may not. The circumstances matter: how long ago did it occur; was it a violent offence; was there a single or multiple convictions; did this involve a domestic violence; were hate crimes committed; did inclusion on the sex offender registry result; what is the current probation status. Likewise, the existing tenancy of a building is also a factor. Clearly one would not want a registered sex offender renting in a building with children.

Intro 632 does not allow for the circumstances to be considered. It solely limits an inquiry of the New York sex offender registry. Nothing more. Not another state. Not an evaluation into the circumstances. And in the bill's current form, as written it is not clear that even that would be legal.

Criminal circumstances could not be considered because inquiry and examination would be prohibited. Sex offenders in New Jersey, Connecticut or elsewhere would be able to submit a rental application and relocate here undetected.

Domestic violence could never be discovered. Arson, a critical safety consideration for all residents with high recidivism rates, would be deemed irrelevant. No owner would have the right to exclude and no current tenant would be afforded the protections that warrant safe housing. The bill does not allow important tools to be used prior to residence, but then reiterates that owners have a duty to comply with laws to protect against domestic violence, sex offenders and stalking, but does not give them the means to do so.

Further, the potential liability arising from renting to someone with a serious criminal record is ignored. The bill is silent in addressing how owners will meet the legal obligation to their existing tenants' safety. It ignores potential impacts including an owners' ability to obtain liability insurance in the future.

Other states have attempted to balance housing needs with the potential that prior bad acts could be relevant to a current housing situation, but this bill does not. This bill fails to allow that every situation will have different considerations. A criminal background check is a necessary and legitimate tool because owners and managers need to assess applicants and risks. A criminal background should not be the only consideration for denying one housing, but it can be valid one.

For the above reasons RSA is opposed to Intro. 632 and urges the council to table this proposal.