

SPRC Sparks

By Eric J. Ellman • Sep 09, 2022

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Hi everyone, welcome to our recap on news of interest to our Screening and Public Records Council. This information is less important and time-sensitive than an ad hoc email, and not as public as a blog. Here's the latest you need to know...

This week's sparks



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1. Urban Institute's Housing Justice Hub



Urban Institute announces a [Housing Justice Hub](#). This Hub, “endeavors to better understand [the] growing field” of “housing justice,” a “concept rooted in rectifying historical and systemic drivers of housing insecurity, achieving racial equity in housing, and creating upward mobility for all people.”

The hub, which already includes some information on barriers to housing based on criminal histories, will draw on “Urban’s deep expertise in housing research and policy, racial equity analytics, and strategic advising on cross-sector housing solutions. As we learn more, our team is creating and sharing data tools and analyses to inspire research, policy solutions, and advocacy. Equipped with these evidence-informed insights, policymakers and community partners can strengthen how they design, implement, and monitor policies and programs to achieve housing justice for all.”

Somewhat related, **CDIA has a [dynamic page at our Resource Center](#)** for a non-exhaustive list of law review articles and other academic papers on tenant screening and employment screening, mostly critical of such screening. Also below is a non-exhaustive list of law review articles and other academic papers on second chances and expungement. We also have a tag for the work done for us by [Jeff Sedgewick](#) about a decade ago.

2. Washington Post OpEd on Tenant Screening

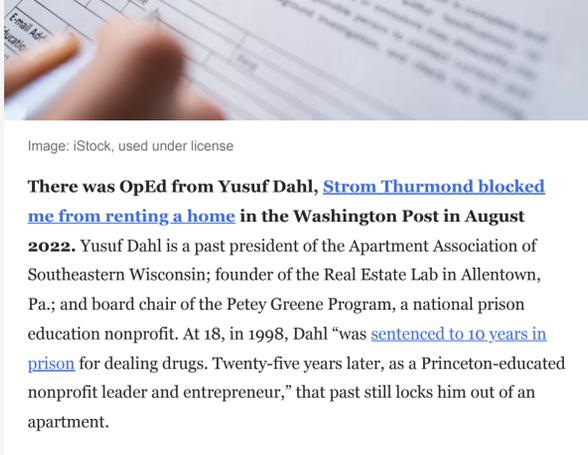


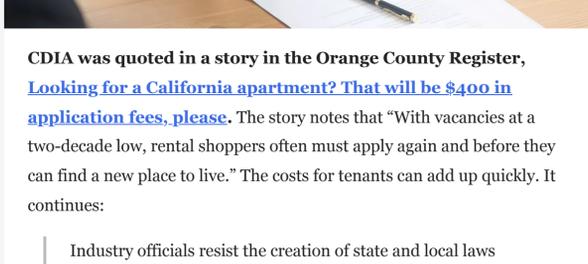
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There was OpEd from Yusuf Dahl, [Strom Thurmond blocked me from renting a home in the Washington Post in August 2022](#). Yusuf Dahl is a past president of the Apartment Association of Southeastern Wisconsin; founder of the Real Estate Lab in Allentown, Pa.; and board chair of the Petey Greene Program, a national prison education nonprofit. At 18, in 1998, Dahl “was [sentenced to 10 years in prison](#) for dealing drugs. Twenty-five years later, as a Princeton-educated nonprofit leader and entrepreneur,” that past still locks him out of an apartment.

The reason for his denial of an apartment is “because the [Fair Housing Act](#) — which since 1968 has banned discriminatory housing practices, such as [redlining](#), that kept Black people and others out of White neighborhoods — expressly permits denial of housing to those who have been convicted of drug manufacture or distribution.” Dahl noted that the ban was “[proposed by South Carolina Sen. Strom Thurmond](#) - a longtime segregationist who had voted against the original act.” After multiple denials for housing, he eventually did find housing “only because my current landlord’s faulty background check missed my conviction — but in a much less desirable, underserved community with a higher crime rate and underperforming schools. My daughter is paying for the long-past sins of her father.”

The OpEd closes with a call to eliminate the ban criminal history denials in the FHA. The subtext of the opinion piece likely includes supporting laws and rules that prohibit landlords more broadly from considering criminal records for rental applications.

3. CDIA Quoted on Tenant Application Fees



CDIA was quoted in a story in the [Orange County Register, Looking for a California apartment? That will be \\$400 in application fees, please](#). The story notes that “With vacancies at a two-decade low, rental shoppers often must apply again and before they can find a new place to live.” The costs for tenants can add up quickly. It continues:

Industry officials resist the creation of state and local laws regulating screening fees, saying the creation of a universal, reusable data search can be complicated.

One reason is landlord preferences vary, said Eric Ellman, senior vice president for public policy and legal affairs for the Consumer Data Industry Association, which serves background background check providers.

Some landlords only want a credit check, while others are willing to order more expensive records searches that include employment verification, eviction, criminal and bankruptcy records as well as sex offender screening.

“You’re oftentimes paying for a different service,” Ellman said. “Landlords are not always necessarily ordering the same product.”

Industry officials also worry about getting doctored reports from tenants.

4. Washington State gave nursing assistant license to accused child rapist after conviction overturned; now it may revoke it



The Kitsap (Washington) Sun [identified “a shortcoming of the health care providers.”](#) These sorts of stories drive criticism of background checks in general. According to the outlet,

Less than three years after William John Kipp Jr.’s [child rape convictions](#) were overturned by the state Supreme Court and he was released from prison, the state Department of Health licensed him as a nursing assistant and he started working in a Port Orchard residential care facility.

The case shows that disturbing information, widely available in 2016 from credible sources, did not lead to a denial of Kipp’s health care provider’s license application, yet five years later that same information was used to potentially take away his license.

Despite the easy availability of the state Supreme Court decision about Kipp’s conviction and the tape of his alleged confession, records obtained by the Kitsap Sun show Kipp passed three state Department of Social and Health Services (DSHS) background checks, raising questions about the adequacy of measures meant to identify those in positions of trust who may pose a risk to vulnerable children and adults.

When questioned about why the state missed the evidence in 2016 that it is now using to potentially strip Kipp of his license, a state health department spokeswoman said Kipp had no obligation to inform the department of the overturned conviction and it could not be used to deny his license application anyway.

That’s all for this week! 🍌

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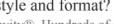
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