



## Housing Opportunities Made Equal of Virginia, Inc.

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**For Immediate Release**

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### **HOME, Kay Management Company, and Former Tenants Reach Settlement Regarding Criminal Background Screening Policy that HOME Alleged Disproportionately Excluded Black and Latinx Housing Applicants**

Richmond, VA — Housing Opportunities Made Equal of Virginia (HOME), along with individuals Mara Kniaz and Kuir Phillips (“Plaintiffs”), have settled their complaint against Kay Management Company and its associated entities (“Kay Management”) regarding the criminal background screening policy that Kay Management applied at their properties across Virginia. Plaintiffs filed their complaint to challenge the allegedly disproportionate and discriminatory racial impact Kay Management’s policy had on Black and Latinx applicants. Due to decades of mass incarceration and over policing of Black and Latinx communities, Black and Latinx individuals are more likely to have a criminal background compared to white individuals. As a result, HOME alleged in the complaint that Kay Management’s previous screening policy, which excluded applicants on the basis of a criminal background, disproportionately excluded Black and Latinx applicants.

This case was filed after Kay Management terminated the housing of Ms. Kniaz, Mr. Phillips, and their children at the **Pinewood Plaza Apartments** on the basis of a decade-old criminal conviction, even though the family had been living there without incident, and the nature of that conviction was irrelevant to whether any member of the household posed a risk to the property or residents.

In a mutually agreed upon consent order entered by the United States District Court for the Eastern District of Virginia (Alexandria Division), Kay Management agreed that their former policy of automatically rejecting all applicants with criminal convictions was inconsistent with the Virginia Fair Housing Law and the Fair Housing Act, as interpreted in the 2016 statement from the Department of Housing and Urban Development. Kay Management worked with Plaintiffs and their counsel to revise the policy to limit the potential discriminatory impact on Black and Latinx applicants. Heather Mullins Crislip, President and CEO of HOME states, “When an overly broad criminal background screening policy is applied by a housing provider, it sets our society up for huge inequities. Overly broad criminal screening policies continue that sentence for a lifetime.”

Compared to the previous policy that excluded any applicant with a criminal record, Kay Management’s new policy implements a 5 year look-back for most crimes; 12 years for homicide-related offenses and forcible felony sex-related offenses; 10 years for felony drug/narcotics-related offenses involving sale, distribution, or manufacturing; and 25 years for those listed on the sex offender registry. Alex Guzmán, HOME’s director of fair housing, states, “We commend Kay Management Company for making this progressive update to their criminal background screening policies, and we encourage other management companies and apartment properties to examine their own tenant screening criteria.”

**The original filed complaint can be found [here](#).**

Individuals who believe they may have experienced illegal discrimination in Virginia, based on their criminal history or any other fair housing [protected class](#) under federal or Virginia fair housing laws, are encouraged to report their experience to HOME by calling 804-354-0641 or emailing [fairhousing@homeofva.org](mailto:fairhousing@homeofva.org).

HOME was represented by the Washington Lawyers’ Committee for Civil Rights and Urban Affairs, the Lawyers’ Committee for Civil Rights Under Law, and the law firm BakerHostetler.

Washington Lawyers’ Committee Counsel Catherine Cone notes, “The collateral consequences of a person’s involvement in the criminal legal system, including negative impacts on their abilities to find a home or a job, is a significant current racial justice issue. By ensuring that Kay Management revised and implemented the criminal background screening policy achieved here, we are taking a step toward furthering the Fair Housing Act’s promise of equal housing choice.”

“Mass incarceration has permeated every aspect of life, from education to employment and housing. Black people are more likely to be stopped, cited, arrested, charged and convicted of crimes in this country. This case is a prime example of the ways mass incarceration’s impact remains far after someone is released from its physical grasp. We are so pleased that applicants with criminal backgrounds throughout Virginia will no longer face additional barriers to housing at Kay Management’s Properties,” adds Sarah Carthen Watson, Associate Counsel for the Lawyers’ Committee for Civil Rights Under Law.

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Housing Opportunities Made Equal of Virginia, Inc. (HOME), founded in 1971, is a statewide fair housing and HUD-approved housing counseling 501(c)(3) non-profit. HOME's mission is to ensure equal access to housing for all people. HOME's mission is to ensure equal access to housing for all people. HOME fulfills its mission to ensure equal access to housing for all people by addressing the still glaring individual instances of housing discrimination. Additionally, HOME works to tackle systemically divisive housing practices on a larger scale through fair housing enforcement and research, advocacy, and statewide policy work. HOME also takes direct action to aid first-time homebuyers and families with homes under the threat of foreclosure. At a time when unequal access to housing and credit contributes most to the United States’ growing wealth gap, HOME’s multi-faceted approach is a powerful catalyst toward furthering fair housing. You can learn more about HOME and all of its services at [www.HOMEofVA.org](http://www.HOMEofVA.org).

Founded in 1968, The Washington Lawyers’ Committee for Civil Rights and Urban Affairs works to create legal, economic and social equity through litigation, client and public education and public policy advocacy. While we fight discrimination against all people, we recognize the central role that current and historic race discrimination plays in sustaining inequity and recognize the critical importance of identifying, exposing, combatting and dismantling the systems that sustain racial oppression. For more information, please visit <http://www.washlaw.org> or call 202.319.1000. Follow us on Twitter at @WashLaw4CR.

The Lawyers’ Committee for Civil Rights Under Law, a nonpartisan, nonprofit organization, was formed in 1963 at the request of President John F. Kennedy to involve the private bar in providing legal services to address racial discrimination. Now in its 56th year, the Lawyers’ Committee for Civil Rights Under Law is continuing its quest to “Move America Toward Justice.” The principal mission of the Lawyers’ Committee for Civil Rights Under Law is to secure, through the rule of law, equal justice for all, particularly in the areas of criminal justice, fair housing and community development, economic justice, educational opportunities, and voting rights. For more information, please visit [www.lawyerscommittee.org](http://www.lawyerscommittee.org).