



August 10, 2011

Equal Employment Opportunity Commission
131 M St., N.E.
Washington, D.C. 20507

Re: Employer Consideration of Criminal Histories

To the Equal Employment Opportunity Commission:

On behalf of multifamily rental housing providers, the National Multi Housing Council (NMHC) and the National Apartment Association (NAA) respectfully submit these comments regarding the use of criminal history checks by employers, subject of the Equal Employment Opportunity Commission's (EEOC) meeting held on July 26, 2011. As the EEOC further examines this issue, we urge the Commissioners and their staff members to consider the critical importance of protecting apartment residents, and the compelling need for apartment owners and managers to mitigate potential risks of harm to apartment communities by checking criminal histories of employees and job applicants seeking employment.

The National Multi Housing Council and the National Apartment Association represent the nation's leading firms participating in the multifamily rental housing industry. Our combined memberships are engaged in all aspects of the apartment industry, including ownership, development, management, and finance. NMHC represents the principal officers of the apartment industry's largest and most prominent firms. NAA is a federation of 170 state and local affiliates comprised of more than 50,000 multifamily housing companies representing more than 5.9 million apartment homes¹. NMHC and NAA jointly operate a federal legislative program and provide a unified voice for the private apartment industry.

The multifamily rental housing industry must retain the ability to make informed decisions about current and prospective employees to help protect the safety and security of apartment residents and the dedicated employees who manage and maintain apartment communities. We depend on professional employees who enter apartment homes, respond to resident requests, handle confidential lease information, collect rent payments, receive deliveries, operate machinery, and maintain buildings and grounds. The ability to consider the criminal history of a job applicant or employee is one of the most important tools available to multifamily rental housing providers to help reduce the risk of violence, theft, and fraud.

NMHC and NAA appreciate the role of the EEOC to enforce federal laws that prohibit discriminatory employment practices. We understand that individuals with prior criminal convictions may face employment challenges, particularly in a period of prolonged economic stress, but we do not believe that those concerns outweigh the need for sound business practices—including an apartment provider's ability to consider an applicant's criminal history—that help to protect public safety, and prevent fraud and theft. We believe that the EEOC's current legal standards for criminal background checks effectively address disparate treatment and disparate impact, and recognize the need for businesses to make informed employment decisions, within the limits of the law.

Sincerely,

Douglas M. Bibby
President
National Multi Housing Council

Douglas S. Culkin, CAE
President
National Apartment Association

ⁱ <http://www.nmhc.org/goto/5489>

