



WASHINGTON LAWYERS' COMMITTEE
FOR CIVIL RIGHTS AND URBAN AFFAIRS

Council of the District of Columbia
Committee on the Judiciary and Public Safety
B23-0440 – Removing Barriers to Occupational Licensing for Returning Citizens
Amendment Act of 2019
Statement of Washington Lawyers' Committee for Civil Rights and Urban Affairs
February 6, 2020

For more than fifty years, the Washington Lawyers' Committee for Civil Rights and Urban Affairs (“the Committee”) has worked to combat racism and other forms of discrimination. To effectively meet this challenge, the Committee litigates claims on behalf of individuals who have been illegally excluded from employment, as well as employees who have faced discrimination or wage theft in the workplace. In particular, the Committee has challenged overbroad or categorical bans on hiring and acceptance for housing because of criminal history. Such bans have a disparate, and therefore discriminatory, impact on persons of color, and in most cases, employers and housing providers lack a legitimate business justification for imposing them. The Committee also assists low-wage D.C. area workers through its free workers' rights clinics. Our experiences inform our qualified support for the Removing Barriers to Occupational Licensing for Returning Citizens Amendment Act (the “Act”), B23-0440.

The Act is a laudable and critical step toward addressing the significant barriers to employment for returning citizens. As the proposed legislation appropriately recognizes, serious obstacles, including disqualification from professional licenses and broad criminal record bans, stand in the way of stable employment for people who have been involved with the criminal justice system. In Washington, D.C., professional licenses are required to practice numerous trades that offer economic opportunity, including plumber, barber, and electrician. We regard this as a quintessential civil rights issue: employment

exclusions based on criminal history disproportionately affect African Americans due to decades of pervasive, mass incarceration. The consequences of upholding such restrictions are obvious and severe. Without employment and its associated income, returning citizens are prevented from accessing basic needs, such as housing, adequate food, access to transportation, and providing support to members of their families.

However, the Committee believes that the Act needs to go a step further, to prohibit pending criminal accusations from being considered by licensing authorities. As proposed, the bill requires an applicant for a license to establish that she is “*not currently accused* and has not been convicted of an offense that is directly related to the occupation for which the license is sought.” The Committee is deeply concerned that permitting licensing authorities to consider pending criminal accusations undermines many of the goals that the Act seeks to achieve. Permitting licensing authorities to deny or revoke a license based on an unproven allegation may lead to grossly unfair results, such as the loss of a job and related income based on a charge that is later disproven or dropped. Due to inequities in the criminal justice system, in which African American and Latinx citizens are not just convicted, but also arrested, at rates disproportionately higher than white citizens,¹ returning citizens of color will bear the brunt of these consequences.

On behalf of job applicants and workers in the District of Columbia, the Committee recommends that D.C. join the states that have already taken action to reform unfair occupational licensing laws and eliminate unfair exclusions to employment. In doing so, the Committee urges the Council to permit the licensing authorities to consider

¹ See United States Department of Justice. Office of Justice Programs. Bureau of Justice Statistics. National Prisoner Statistics, 1978-2017.

only convictions, and not pending accusations, that are directly related to the occupation for which the license is sought.

Thank you.