

Appealing Housing Denials Based Upon Criminal History

Housing providers each establish their own eligibility requirements for tenancy. Screening may include a credit check, criminal background screening, eviction screening, landlord references, or other criteria. People who have previous engagement with the criminal justice system often face barriers in access to housing. Housing providers sometimes deny tenancy based upon arrest records, decades-old convictions, or even records belonging to other people with similar names.

The U.S. Department of Housing and Urban Development released guidance in 2016 ([HUD's Guidance](#)) stating that criminal history-based restrictions on housing opportunities violate fair housing laws if they disproportionately impact people in one or more protected classes (i.e., race or national origin). HUD's Guidance notes that significant racial biases exist within the U.S. criminal justice system disproportionately impacting the Black and Latinx communities. HUD's Guidance indicates that housing providers may violate the Fair Housing Act if they:

- Rely on arrest records that did not result in criminal conviction,
- Deny housing to folks convicted of particular offenses that the housing provider cannot prove, through reliable evidence, are necessary to serve a substantial, legitimate, nondiscriminatory interest,
- Deny housing to all persons with any prior criminal convictions,
- Do not individually assess each applicant's history and provide an opportunity for the applicant to provide mitigating information before denying housing based upon the result of criminal screening, or
- Treat applicants with similar criminal histories differently from one another based upon their race, national origin, or other protected characteristic.

Nonetheless, many housing providers' policies do not comply with HUD's Guidance. The Fair Housing Center developed a new resource to help folks denied housing based upon the results of criminal screening educate housing providers on HUD's Guidance and request an opportunity to appeal those denials.

If you have been denied housing due to the results of criminal background screening in HUD' Public Housing, Subsidized Housing, or Housing Choice Voucher Program or in the Low-Income Housing Tax Credit Program, you may be eligible for assistance with your appeal from [The Legal Aid Society of Cleveland](#).

If you have been denied housing by a private landlord or management company or are unable to get assistance from your local legal aid organization, The Fair Housing Center has developed a letter you may use to request an in-person appeal.

[Instruction Sheet on Using the Letter to Appeal Denial of Housing Because of Criminal History](#)

[Letter to Request an In-Person Meeting to Appeal Denial of Housing Because of Criminal History](#)

If you submit your letter and the housing provider maintains their denial or ignores your request for an in-person meeting, The Fair Housing Center can provide more detail on HUD's Guidance on this topic and share information on how to file a fair housing complaint. Call to speak with an Advocate.