

Our Mission

We protect and expand fair housing rights, eliminate housing discrimination, and promote integrated communities.

Since 1983, the Fair Housing Center has promoted equal access to housing and diverse communities for residents of Northeast Ohio with:

Research

- Analyses of Impediments to Fair Housing
- Community Lending Factbooks
- Racial and Ethnic Disparities in Ohio Mortgage Lending
- Consumer Manual
- Obtaining and Maintaining Housing for People with Mental Health Disabilities
- Landlord Training Manuals, and
- The State of Fair Housing in Northeast Ohio

Education and Outreach

- Trainings for housing professionals
- Programs for housing buyers and renters in English and Spanish
- "Street Teams" for tabling and community events
- Speakers Bureau available for presentations
- Brochures in English, Spanish, Korean, Arabic, and Mandarin

Enforcement

- Monitor rental, sales, homeowners insurance, and lending markets for discriminatory practices

Advocacy

- Propose and enforce effective fair housing laws
- Facilitate the Greater Cleveland Fair Housing Collaborative
- Collaborate with national, state, and local organizations
- Provide assistance to victims of housing discrimination



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FAIR HOUSING

For People with a Criminal History



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HUD's Criminal Background Rule

The Fair Housing Act prohibits discrimination in housing based on membership in groups called protected classes. These classes include race, color, national origin, religion, sex, family status, and disability. **While federal law does not prohibit criminal background screening, The U.S. Department of Housing and Urban Development (HUD) released guidance about how the Fair Housing Act applies to housing policies with regard to criminal background checks.**

Criminal background checks are often used as screening criteria for rental housing to determine qualified applicants. For those with a criminal history, these screenings have become a barrier to obtaining housing. Many formerly incarcerated individuals, who have paid their debt to society, face continued penalties outside of the courts by being excluded from much of the housing market. HUD recognizes racial and ethnic disparities in the criminal justice system including disproportionate and unequal rates of arrests and convictions, and harsher sentencing of African Americans and Latinx populations in particular. The result of this disparity is a disproportionate burden on these protected classes, which can be a violation of the Fair Housing Act. Therefore, HUD has released guidance to address this housing obstacle.

In 2016, HUD issued guidance on applying Fair Housing Act Standards to the use of criminal records screening in housing-related transactions.

This guidance prohibits landlords from:

- Denying housing based on arrest records.

Have you ever been convicted of a felony?

Yes No

- Blanket bans on anyone with a criminal history.
 - Conducting background checks inconsistently, performing them on some and not others based on stereotypes or fear.
- Further, a landlord must:**
- Consider individuals on a case-by-case basis and evaluate the nature and severity of the crime, and consider the length of time that has passed since that crime was committed.
 - Make a determination based on facts and evidence, and not a perceived threat.

Denial Based on Criminal History

Individuals can legally be denied housing if their recent criminal history makes them dangerous and a risk to other tenants or neighbors. The denial must be based on reliable evidence and not be hypothetical or speculative. Denials also:

- Must provide evidence proving that the housing provider has substantial, legitimate, nondiscriminatory interest supporting the denial.
- Must show that the housing policy accurately distinguishes between criminal conduct that indicates a demonstrable risk to resident safety/property and criminal conduct that does not.

HUD regulations governing some federally-assisted housing require only two permanent bans: applicants with a lifetime requirement to register as a sex offender, and applicants convicted of manufacturing methamphetamine on federally-assisted property.

Examples of Possible Discrimination Based on Criminal History

- A housing provider will not rent to a male tenant because he served time in prison for robbery or drug possession 30 years ago, but has not been in trouble with the law since.
- A housing provider automatically discards any applications where the potential renter has checked the box inquiring if they have ever been convicted of a felony.
- A housing provider uses the person's criminal history to deny housing as a means to discriminate on another basis, such as the person's sexual orientation, disability or national origin.
- An individual has a criminal record due to a past drug addiction, but has since successfully completed a rehabilitation program. (Recovering drug addiction is considered a disability under the Fair Housing Amendments Act of 1988 that prohibits discrimination based on disability, and includes additional protections such as reasonable accommodations and reasonable modifications.)

Where to go for help?

If you think you have been discriminated against in housing because of your criminal history, sexual orientation, gender identity, race, national origin, religion, sex, color, familial status, disability, military status, ancestry, or any other reason, **please contact the Fair Housing Center for Rights & Research at 216-361-9240 to speak with an advocate.**

Committed to fair housing for all.