

**OUR MISSION:** TO PROTECT & EXPAND FAIR HOUSING RIGHTS, ELIMINATE HOUSING DISCRIMINATION & PROMOTE INTEGRATED COMMUNITIES

Since 1983, The Fair Housing Center has promoted nondiscrimination in housing and integrated communities for residents of Northeast Ohio through:

#### RESEARCH

- Fair Housing Impediments Studies
- The State of Fair Housing in Northeast Ohio Annual Report
- Community Lending Factbooks
- Racial and Ethnic Disparities in Ohio Mortgage Lending
- Other Current Fair Housing Topics

#### EDUCATION AND OUTREACH

- Trainings for housing providers, consumers, real estate professionals and municipalities
- Outreach at community events
- Speakers available for presentations
- Fair Housing brochures on a variety of topics in English, Spanish, Traditional and Simplified Chinese, and Arabic
- Facilitate the Northeast Ohio Fair Housing Collaborative

#### ENFORCEMENT

- Monitor rental, sales, homeowner's insurance, and lending markets for discriminatory practices
- Offer support filing complaints with HUD, the Ohio Civil Rights Commission, or local enforcement agencies

#### ADVOCACY

- Support residents in understanding and exercising their fair housing rights
- Individualized assistance with accommodation and modification requests
- Investigate reports of housing discrimination
- Promote and enforce effective fair housing laws



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# FAIR HOUSING

**FOR PEOPLE WITH  
CRIMINAL RECORDS**



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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 criminal records, 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:

- Denying housing based on arrest records.
- Blanket bans on anyone with a criminal record.
- 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.

## DENIALS BASED ON CRIMINAL RECORDS

Housing providers may only deny tenancy based on specific criminal records if they can prove that providing housing to the applicant with that conviction poses a demonstrable risk to resident safety or property. The denial must be based on reliable evidence and not be hypothetical or speculative. If challenged in a fair housing complaint, a housing provider must be able to:

- Provide evidence proving that the housing provider has substantial, legitimate, nondiscriminatory interest supporting the denial.
- 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.

*Scan the QR code to access our Digital Toolkit for People with a Criminal Record:*



HUD regulations governing some federally-assisted housing require 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 RECORDS

- A housing provider will not rent to a tenant because they served time in prison for robbery or drug possession 30 years ago, but have 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 record 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. (Being in recovery from drug addiction is considered a disability under the Fair Housing Amendments Act of 1988, which 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 a victim of housing discrimination because of your race, color, national origin, religion, sex, familial status, disability, military status, ancestry, or any other reason, **please contact The Fair Housing Center for assistance at 216-361-9240.**

You can also contact the Ohio Civil Rights Commission (OCRC) at 1-888-278-7101 (TTY: 614-752-2391) or online at [www.crc.ohio.gov](http://www.crc.ohio.gov), or the U.S. Department of Housing and Urban Development (HUD) at 1-800-669-9777 (TTY: 1-800-927-9275) or online at [www.hud.gov](http://www.hud.gov). The OCRC and HUD can also offer assistance with reading and completing HUD forms through interpreters, tapes, and Braille materials.



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**QUESTIONS? CONTACT US.**

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