



FAIR HOUSING, CRIMINAL BACKGROUND and ARREST RECORDS

What Is Fair Housing?

Fair housing laws protect people from discrimination in housing and housing-related services based on race, color, national origin, religion, sex (gender), family status (having children in the household under age 18), and disability. The law covers rental housing, sales, lending, and insurance.

How does the Fair Housing Act apply to criminal background checks?

Policies banning rental applicants with criminal records may violate fair housing laws if they are applied differently to people because of their race, color, national origin, religion, sex, family status, or disability. Also, because African-Americans and Latinos are much more likely to be arrested or convicted than others in similar circumstances under our criminal justice system, policies banning applicants solely based on criminal records can unfairly and illegally impact African-American and Latino rental applicants.

How can housing providers use criminal background checks when screening rental applicants?

Housing providers must treat all applicants equally, regardless of race, color, national origin, religion, sex, familial status, or disability;

- Housing providers may not deny or terminate housing based solely on arrest records;
- Housing providers may not ban all applicants or tenants with criminal convictions. Housing providers must consider each applicant on a case-by case basis, taking into account the severity of the crime, how long ago the crime took place, and the applicant's or tenant's life after the conviction. (The only exception to this rule relates to the manufacture or distribution of illegal drugs.

What should I do if I feel I've been discriminated against?

If you feel that you've been denied housing or are being evicted from housing due to a criminal arrest or conviction, please contact the Central Alabama Fair Housing Center for help. Call us at 334-263-4663. Source: U.S. Department of Housing and Urban Development, Office of General Counsel Guidance on Application of Fair Housing Act Standards to the Use of Criminal Records by Housing and Real Estate-Related Transactions (April 4, 2016).

<https://www.hug.gov/sites/documents/HUD-OCGUIDAPPHASTANDCR.pdf>