

# Renting with a Criminal History

The Fair Housing Act makes housing discrimination illegal

THE FAIR HOUSING ACT prohibits discrimination in the sale, rental, and financing of housing, and in other housing-related transactions based on:

RACE ● COLOR ● NATIONAL ORIGIN  
RELIGION ● SEX ● DISABILITY  
FAMILIAL STATUS

Housing providers may require individuals to undergo a criminal background check as part of the application process. A provider may use the results of the criminal background check to determine whether an individual qualifies for housing.

Recent federal fair housing guidance states that it may be illegal for housing providers to refuse to rent to someone because of their criminal background without considering the nature and severity of the crime(s), how old the record is, and any rehabilitative efforts since the conviction. This is because landlords who refuse to rent to anyone with a criminal record may be disproportionately limiting housing choices for people protected by the Fair Housing Act because of their race, national origin, disability, and/or sex.

Your criminal background is not necessarily indicative of whether or not you will be a good tenant.

If you have a criminal record and have been denied housing, you may have experienced illegal housing discrimination.

#### Examples:

- A leasing agent only requires *certain* applicants to undergo a criminal background check.
- A leasing agent tells you that they make decisions about applicants based on *arrest* records.
- You have a criminal record related to your disability, and request a reasonable accommodation to a criminal records screening but are denied.
- You are discouraged from submitting an application because of a conviction on your record.
- A housing provider's policy rejects *all* applicants with *any* criminal history.
- A property manager says you must move (or won't rent to you) because you've been arrested for domestic violence, even though you were the victim in the incident.

## HOW TO USE YOUR FAIR HOUSING RIGHTS

- **DOCUMENT** every interaction you have with the housing provider. Include information about the property, addresses, dates, times, names of the people you spoke with, and nature of the interaction.
- **SAVE** any applications, brochures, emails, texts, and any other documents related to the interaction.
- If you are denied because of your criminal history, **ASK FOR A COPY** of the background check they conducted. You are legally entitled to it.

Visit [www.fairhousingnc.org](http://www.fairhousingnc.org) to see detailed guidance for asserting your fair housing rights.

If you have been denied housing because of your criminal background, please call the:

### FAIR HOUSING PROJECT

Legal Aid of North Carolina

**1-855-797-FAIR (3247)**

We may be able to help you understand and advocate for your fair housing rights.

There is no charge for any of our services, and all calls are confidential. INTERPRETER SERVICES ARE OFFERED IN MANY LANGUAGES.

FAIR HOUSING PROJECT • 224 South Dawson Street, Raleigh, NC 27601 •  
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