



# 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, gender, disability, familial status, and those age 55 or older.**

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

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

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 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 gender.

**If you have a criminal record, here are some signs you can look out for that suggest you may have experienced illegal housing discrimination:**

- A leasing agent only requires certain applicants to undergo a criminal background check.
- You are discouraged from submitting an application because of a conviction on your record.
- You notice that a housing provider has a policy in place that denies all applicants with any criminal history, regardless of factors like the nature of the crime, how long ago it occurred, or actions someone has taken to rehabilitate themselves.
- 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 recordings screening but are denied.
- You are experiencing domestic violence and are arrested due to that violence, and your property manager tells you that you have to move because you've been arrested.

## HOW CAN I ASSERT MY 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, 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 **HOMEofVA.org** to see more detailed guidance for asserting your fair housing rights.

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

**Housing Opportunities Made Equal of Virginia  
(HOME)**

**804-354-0641**

HOME can help you understand and advocate for your fair housing rights. There is no charge for any of HOME's services, and all calls are confidential. Interpreter services are offered in many languages.

