

# Fair Housing

## Rental Applications and Tenant Screening

*This guide is for informational purposes. It is not intended as legal advice and is not a substitute for seeking assistance from a qualified attorney. What documents, terms and provisions you need will depend on your individual circumstances. It is always best to consult an attorney for guidance.*

***A criminal background does not indicate whether or not someone will be a good tenant.***

## Housing Discrimination is Prohibited

The federal **Fair Housing Act (FHA)** prohibits discrimination in the sale, rental, and financing of housing, and in other housing-related transactions based on a person's:

- Race
- Color
- Religion
- National origin
- Sex (currently includes sexual orientation)
- Familial status
- Disability

## Criminal Background Screening is Allowed

Housing providers (landlords) may:

- Require a criminal background check as part of the application process
- Use the results of the background check to determine whether to rent to the individual

Landlords should consider the nature and severity of a conviction, how old the conviction record is, and rehabilitative efforts since the conviction.

## Private and Subsidized Housing

The FHA applies to most residential units, including private housing and federally subsidized housing. Federally subsidized housing may be required by law to reject an applicant for certain types of serious convictions.

## Examples of Possible Discrimination

The following may indicate possible housing discrimination:

- A landlord only requires certain applicants to do a criminal background check
- A landlord's policy rejects all applicants with any criminal record
- A landlord tells you they make decisions about the applicant based on arrest records
- You are denied housing due to an old criminal conviction record
- You have a criminal record related to your disability and request a reasonable accommodation but are still denied
- You are discouraged from submitting an application because of a conviction
- 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

## What To Do if You're Denied Housing Because of a Criminal Record

You may request that the landlord conduct an Individualized Assessment. This is your opportunity to explain to the landlord that you will be a good tenant. The landlord should consider details of your offense, such as:

- The seriousness of the criminal offense
- Whether the offense affects the safety and security of residents, staff, or property
- The length of time since the offense
- Your age at the time of the offense
- Evidence of rehabilitation, such as having a job or participation in a job training program, education, and participation in a drug or alcohol treatment program

## What To Do if You Believe You Have Experienced Housing Discrimination

- Contact a legal aid provider and report the discrimination
- Keep a journal of incidents of discrimination
- Write down what you experienced, including names, dates, addresses, rental terms, and any other details about your interaction
- Keep any documents related to the discrimination, including all emails and text communications

## What To Do if You're Denied Housing Because of a Criminal History

- Ask for a copy of the background check they conducted. You are legally entitled to a copy.
- If a landlord tells you they do not accept any applicant with an arrest or conviction record, ask for their policy in writing.
- Request that the housing provider conduct an individualized assessment.

Following the incident, you have one year to file a complaint with a government agency (NC Office of Administrative Hearings or US Department of Housing and Urban Development) or two years to file a lawsuit in court.