

Rent Watch Article 5: Race/Color- Criminal Record Background History

Q: I've been out of prison for over five years now and have not had any luck leasing an apartment. I've been living with my sister, but I would like to have my own space. Earlier this year, I got a job as an electrician and now make a better income. I decided to apply again at a nearby apartment complex. Last year when I applied for the unit, they said I was denied because I didn't meet the income qualifications. Now that I have more money, I might have a better chance to qualify. Recently, when I went to apply, I noticed they were under new management. When I asked for an application, the property manager handed me a copy. I was told to leave it in the dropbox closest to the door when I was done. I agreed and started filling out my application. Right away on the first page, I noticed a statement on the application that wasn't there before, saying: "It is important that our residents are not involved in illegal activities. If you have been arrested, cited, prosecuted, plead guilty to, or been convicted of any crime, you will not meet our rental criteria." I began to rethink my decision to apply since I have been convicted before. Is this legal? Should I even apply? Does it matter that I identify as Latino? Is this going to happen to all of my rental applications?

A: While fair housing laws do not explicitly protect people with criminal records, a blanket policy of refusing to rent to people with criminal records is likely discriminatory. The Department of Housing and Urban Development found that blanket policies refusing to rent to people with criminal records result in discriminatory disparate impacts based on race and national origin. A blanket ban on anyone with any conviction, at any time, is overbroad and policies, like the one that you saw, are discriminatory.

Unfortunately, nearly one third of the adult American population have a criminal history and a disproportionate number of those adults are racial and ethnic minorities. 95% of people who are released or have been incarcerated—disproportionately African-Americans and Latinos- struggle in their search to find a place to call home. Thus, a policy of banning anyone with an arrest or conviction may more acutely affect persons of African-American or Hispanic background.

At Project Sentinel, we highly recommend that prospective tenants know their criminal record history. This knowledge will help you determine the reasoning behind the housing provider's decision to deny your application. As mentioned above, the housing provider cannot deny your application based solely on having a previous arrest or conviction. Before they can deny your application based on an earlier conviction, the housing provider must make an individual assessment of the person's criminal record and offer the applicant the opportunity to provide relevant mitigating information. If you have been denied housing due to your criminal background history, call Project Sentinel at 1(888)324-7468 or email us at info@housing.org for more information to see how we can assist you.