

## USEFUL TIPS

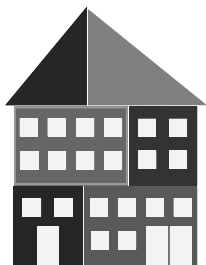
What you should do if you believe you have experienced housing discrimination:

- **Contact the Fair Housing Project** and report the discrimination to us.
- **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.

If you are denied housing because of a criminal history, you should:

- **Ask for a copy of the background check** they conducted. You are legally entitled to a copy.
- If a housing provider 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 review.

Following the incident, you have one year to file an administrative complaint or two years to file a lawsuit in court.



## THE FAIR HOUSING PROJECT

**T**he Fair Housing Project of Legal Aid of North Carolina is available to provide information concerning a person's rights under the federal Fair Housing Act. If you believe you are a victim of housing discrimination, contact us for assistance at **1-855-797-3247**. A project staff person will discuss the situation with you and help you to decide what to do next. Your response to us will be kept confidential.

When necessary, our staff may be able to assist you with filing a complaint with the U.S. Department of Housing and Urban Development (HUD), local human relations commissions, or in court.

### Fair Housing Project

LEGAL AID OF NORTH CAROLINA

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

[www.fairhousingnc.org](http://www.fairhousingnc.org)

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## HOUSING DISCRIMINATION

# Fair Housing & Tenant Screening

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



**Fair Housing Project**

**855-797-3247**

**[info@fairhousingnc.org](mailto:info@fairhousingnc.org)**



## HOUSING DISCRIMINATION

The federal Fair Housing Act prohibits discrimination in the sale, rental, and financing of housing, and in other housing-related transactions based on a person's **Race, Color, National Origin, Religion, Sex, Disability, and Familial Status**.

## CRIMINAL BACKGROUND SCREENING

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

However, guidance from the U.S. Department of Housing and Urban Development explains how the Fair Housing Act applies to criminal record screening policies and procedures. In some cases, it may be illegal for housing providers to refuse to rent to someone because of a criminal background, without considering the nature and severity of the conviction, how old the conviction record is, and any 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. However, housing providers should still have policies that comply with the Fair Housing Act. For more information, please visit [fairhousingnc.org](http://fairhousingnc.org).

## EXAMPLES OF POSSIBLE DISCRIMINATION

The following may indicate possible housing discrimination:

- A leasing agent only requires certain applicants to undergo a criminal background check.
- A housing provider's policy rejects all applicants with any criminal record.
- A leasing agent tells you that they make decisions about the applicant based on arrest records.
- You are denied housing due to an old conviction record.
- You have a criminal record related to your disability, and request a reasonable accommodation to criminal records screening, 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.
- A property manager refuses your request to conduct an individualized review of the rental application.



## INDIVIDUALIZED ASSESSMENT

If you are denied housing due to a criminal record, you may request that the housing provider conduct an Individualized Assessment. This is your opportunity to explain to the apartment that you will be a good tenant.

The apartment should consider your individual circumstances 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, participation in a drug or alcohol treatment program.

## Other Tenant Screening

Housing providers may have other screening policies and procedures that raise fair housing concerns. For example, if landlords screen tenants for a prior eviction, they should also consider whether the eviction was later dismissed or whether any debt was owed to the prior landlord. For minimum credit requirements, housing providers should take into consideration whether the applicant has a voucher to assist with paying rent and any other mitigating circumstances.