

Busting Myths About Increasing Access to Housing for People who are Justice-Impacted

A document for landlords, property managers, and other housing providers

OVERVIEW

CSH's work in supportive housing has shown repeatedly that people with incarceration histories can be successful tenants when connected with appropriate housing and services. Further, it is a smart public investment that reduces crisis and institutional costs and increases public safety.

CSH acknowledges that housing providers have a responsibility to maintain safe environments for their residents. Housing providers must navigate liability concerns and are sometimes required to follow federal, state, and local policies that may impact their discretion to accept a tenant. Even so, the evidence is clear - there is no way to predict future criminality based on someone's conviction history. In fact, screening out people based on their past history may decrease overall public safety. Renting to individuals with conviction histories helps break the homelessness-jail cycle.

This document breaks down common myths for landlords and property managers regarding renting to people who have conviction and arrest history records. Everyone deserves housing and by dispelling common myths about people with justice system involvement, we can remove barriers to housing.

"Those that come from reentry will be a landlord's best tenant because they understand the housing barriers out there."

— Person with Lived Expertise of Incarceration

Having access to stable housing after a person is released from incarceration back into the community is fundamental to successful reentry, reduces recidivism, and supports families impacted by incarceration.



MYTH 1

Criminal background checks are a good way to predict a tenant's behavior and to know whether they will be a reliable renter.

“Criminal behavior doesn't determine lifelong behavior. Everybody's background story is different and doesn't tell the story of who the person is.”

— Person with Lived Expertise of Incarceration and Homelessness



MYTH 2

Criminal Background checks are required, including by HUD and the Fair Housing Act.

“It is often times frustrating for a person attempting to exit the homeless system to hear they are denied for something they had done years ago. For example, we had a gentleman whose name came up at a senior building and when they ran the background, he was denied for a fight he had in a bar in his thirties. He was well into his sixties at this time. We had to advocate and seek legal advice to get him housed.”

— Supportive Housing Provider

FACTS

- Criminal background checks, despite what we have been told, are not reliable predictors of risk¹ on a prospective tenant's behavior or housing success.²
- People with conviction and/or arrest history are reliable tenants – just like everybody else.
- Renting to people with conviction histories provides the essential human need of housing and helps make communities safer.

FACTS

- For HUD non-assisted housing providers, no background checks are required and most housing providers are not required by law to exclude people with justice system involvement.³
- For HUD assisted housing providers, background checks are only required to screen for drug-related activity and sex offense registries
- The clearest way to ensure background screening does not violate the Fair Housing Act is to not screen for conviction history at all.

“Arrest or conviction backgrounds have no bearing on tenancy outcomes, and these records do little to predict future danger and harm by a person to other residents in a development.”

Opening Doors to Affordable Housing
Vera Institute



MYTH 3

The criminal background check reports I receive are always accurate.⁴

“One charge can stick with someone a long time and they may not be that same person they were when it happened. People grow and something from the past should not be held against a person especially longer than 5 years. Credit history only goes back 7 years so criminal should not go back more than it is supposed to.”

— Person with Lived Expertise of Incarceration



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Additional resources for landlords and property managers:

- CSH's [Background Checks: Frequently Asked Questions](#)
- [Reentry MythBuster](#) from National Reentry Resource Center
- Tenant Screening: [Myths and Facts about Criminal Records – ApplyConnect](#)
- [HUD Criminal Records Guidance on Arrests and Convictions - LegalClarity](#)

Footnotes

1. [Tenant Screening With Criminal Background Checks: Predictions And Perceptions Are Not Causality](#)
2. [Q&A with Daniel Malone: Criminal History Does Not Predict Housing Retention | HomelessHub](#)
3. [HUD Gives Further Guidance on Criminal Background Screening — Fair Housing Project](#)
4. [How Automated Background Checks Freeze Out Renters - The New York Times \(nytimes.com\)](#)
5. [HUD Gives Further Guidance on Criminal Background Screening — Fair Housing Project](#)
6. [Full article: Which Information Matters? Measuring Landlord Assessment of Tenant Screening Reports \(tandfonline.com\)](#)
7. [CFPB Reports Highlight Problems with Tenant Background Checks | Consumer Financial Protection Bureau \(consumerfinance.gov\)](#)

FACTS

- Evidence has shown that tenant background check reports are often incomplete or inaccurate and don't measure whether someone is likely to be a good tenant or not.⁵ Further, the algorithms used to generate a background report also utilize public data that is often inaccurate, resulting in an automated housing decision (risk score) that conflates a person's risk as tenant. For example, an automated housing recommendation that denies someone based on a single arrest record.^{6 7}
- Laws around what can be included in tenant background checks differ and reports occasionally include information that should not be considered. For example, there may be a local law that only allows a 3-year lookback period, but a report includes information beyond three years.