

How to Appeal the Denial of a Housing Application Based on Criminal Screening Information

This guide is intended for use with the sample letter (provided on the next page) to request an in-person appeal meeting when a housing provider denies your application for housing based upon the results of criminal background screening. This guide and sample letter rely upon HUD's Guidance on the Use of Criminal Records to help applicants appeal denials for housing and request an individualized assessment of their suitability for tenancy.

The sample letter requests an in-person meeting to appeal a housing denial. In preparation, collect letters of support from individuals who can speak to your character, changes you have made in your life, and why you would make a good tenant, if approved. It may also be helpful to bring an advocate (i.e. attorney, social worker, faith leader, or family member) to the in-person appeal meeting to present a strong appeal and demonstrate that you have community support.

The U.S. Department of Housing and Urban Development (HUD) released guidance in 2016 on the "[Application of Fair Housing Act Standards to the Use of Criminal Records by Providers of Housing and Real Estate-Related Transactions](#)". HUD's Guidance indicates that commonly-used criminal background screening policies violate the Fair Housing Act because they disproportionately impact Black and Latinx applicants and because less discriminatory alternatives exist.

Get the denial in writing. If you did not receive a written denial, request a letter stating the reason your application was denied. Save all emails, voice mails, and written communication you receive from the housing provider regarding your application, your application denial, and your request for appeal.

Timing matters. If the housing you applied for receives federal assistance, such as public housing or subsidized housing, the denial letter will specify a deadline to appeal. It is critical that your request for an in-person appeal meeting be timely submitted and received. Private housing providers may or may not specify a deadline to appeal, but appealing promptly may be important while the property is still available.

Keep a record. The written request for an in-person appeal may be submitted by email, mail, fax, or in person. It is important to have documentation that the request was sent and received.

- **For in-person delivery**, bring an unrelated witness or ideally obtain a copy stamped received by the office.
- **For faxes**, save the fax confirmation page and follow up with a call to the office to confirm receipt.
- **For emails**, send with delivery confirmation or read receipts requested and call the office to confirm receipt. Applicants may also request a reply in the message to confirm receipt.
- **Mailed letters** should be sent by certified mail or with delivery confirmation from the post office which will show when, where and whether the letter was delivered.

Focus your appeal on the point(s) of concern. Knowing the specific conviction(s) for which your application was denied and being prepared to address it will help strengthen your appeal. If the housing provider used a third party or a credit reporting agency to conduct your criminal screening, the Fair Credit Reporting Act entitles you to request a copy of the report they received.

If your appeal is denied. Contact **Housing Opportunities Made Equal at 804-354-0641** for information on your rights and options.

Note: If your prior convictions resulted from or are related to a disability (*mental or physical illness, past alcohol abuse, or past drug addiction*) and you have a treatment plan, or are now in recovery contact **Housing Opportunities Made Equal at 804-354-0641** as we may be able to work with you to request a reasonable accommodation to have your application evaluated without considering the related criminal convictions.

Date: _____

To: (Housing Provider, Property Name, Address)

Re: Requesting an in-person appeal meeting for your denial of my housing application based on criminal screening information.

Dear _____,
Name of Property Manager/Landlord

I, _____, am requesting an in-person meeting to appeal your
Your Name
denial of my application for housing within _____
Name or Address or Property

It appears that my application was denied due to the results of a criminal background screening. In advance, please provide me with a copy of: 1) the tenant selection plan (TSP), admissions & continued occupancy policy (ACOP), administrative plan, or, in the case of private housing, your eligibility requirements; 2) a copy of any documentation used as a basis for your denial; and 3) a copy of my application. If a third party or credit reporting agency provided the criminal screening of my application, please provide a copy of the report you received. Please also provide me with all information I am entitled to receive pursuant to the Fair Credit Reporting Act so that I may obtain such screening information. This information may be sent to me at the mailing address and/or email address provided below my signature. At the appeal meeting, I am prepared to provide: (Check all that apply.)

Character reference(s)

Court document(s) or related records

Former rental reference(s)

Evidence of rehabilitation effort(s)

Employer reference(s)

Other: _____

Fair Housing Act prohibits housing discrimination and housing practices with unjustified discriminatory effects based on race, color, religion, national origin, sex, familial status, or disability. On April 4, 2016, the U.S. Department of Housing and Urban Development (HUD) Office of General Counsel issued guidance on the "[Application of Fair Housing Act Standards to the Use of Criminal Records by Providers of Housing and Real Estate-Related Transactions](#)". HUD's Guidance notes that extensive racial and ethnic disparities exist within the U.S. criminal justice system; therefore, housing restrictions based on criminal history are likely to disproportionately impact applicants of color, particularly African American or Hispanic applicants and may violate the Fair Housing Act. HUD's Guidance indicates housing providers must give an applicant an individualized assessment, a less discriminatory method of tenant

screening. Section III of the 2016 HUD guidance states, “a housing provider violates the Fair Housing Act when the provider’s policy or practice has an unjustified discriminatory effect, even when the provider had no intent to discriminate”.

HUD’s 2016 guidance further outlines:

- Housing providers must **demonstrate that their policy or practice(s) is justified and serves to achieve a substantial, legitimate, nondiscriminatory interest**. That interest may not be hypothetical or speculative and must be proven through reliable evidence. Bald assertions based on generalizations or stereotypes will not be accepted.
- Housing providers may violate fair housing laws if they exclude applicants based upon prior arrests not resulting in conviction.
- Housing providers **cannot impose a “blanket ban”** that denies housing to applicants convicted for criminal activity without considering mitigating information such as:
 - The facts or circumstances surrounding the criminal conduct
 - The age of the individual at the time of conviction
 - How much time has passed since the criminal activity occurred
 - Evidence of maintained good tenant history (prior to or following conviction)
 - Evidence of rehabilitation efforts
- Housing providers are **prohibited from intentional discrimination**. Intentional discrimination results when housing providers treat applicants with similar criminal histories unequally due to their race, national origin, or other protected characteristic.

Your written response to this request for a meeting to appeal your denial of my housing application is appreciated within **ten (10)** days of the date of the letter. If I do not hear back from you, I will assume that you have denied this request. Thank you for your time and consideration in this matter.

Sincerely,

Signature

Name

Address

Email Address (Only provide if you are able to check it daily.)