

# FAIR HOUSING AND CRIMINAL HISTORY

## FACT SHEET

# DFEH



## 7 THINGS YOU NEED TO KNOW

### 1. Can I live in rental housing with a criminal background?

Yes. It is unlawful for a landlord or other housing provider to have a policy that prohibits persons with a criminal record from renting or living in a housing unit no matter the circumstances.

### 2. Can a landlord run my criminal background?

Yes. Generally, a landlord can check the criminal background of a prospective tenant. However, how a landlord may use that information is limited by law, because people with criminal histories can be good, responsible tenants.

### 3. If I have a criminal record, what should a landlord do?

If a landlord intends to deny you housing based on a past criminal conviction, the landlord should follow certain guidelines. Among them, the landlord should consider information like the facts or circumstances surrounding the criminal conduct to see if they directly bear on your ability to be a good tenant, how long ago the conduct happened and whether you were a minor or young, whether the conduct arose as a result of a disability or domestic violence, whether you have maintained a good tenant history before and/or after the conviction, and evidence of your rehabilitation efforts.

### 4. What information can a landlord not consider?

A landlord is prohibited from considering any infractions or arrests that didn't lead to a conviction. And unless you choose to bring it up, a landlord also can't consider convictions that have been sealed or expunged, adjudications in the juvenile justice system, or your participation in a pre- or post-trial diversion program.

### 5. What can I expect from the landlord?

Landlords should be able to provide a copy of their policy on the use of criminal history information and offer you an opportunity to present additional (mitigating) information that

could inform their decision. They should also delay considering criminal history information until after your financial and other qualifications have been verified.

**6. What is mitigating information?** Facts or circumstances surrounding the criminal conduct that help explain the event and show that you are still going to be a good tenant. This includes rehabilitation efforts, that you were young when the criminal conduct occurred, that the conduct occurred a long time ago or was the result of domestic violence, that you have been a good tenant elsewhere, and/or that you have steady employment.

**7. What should I do if I think I have been unlawfully disqualified?** If you think you have been unlawfully disqualified from housing because of your criminal history, file a complaint with the Department of Fair Employment and Housing. **We can help.** You are also protected from housing discrimination because of your race, national origin, disability, sexual orientation, gender identity, and other protected characteristics.

**If you have a disability that requires a reasonable accommodation, DFEH can assist you by phone or, for individuals who are Deaf or Hard of Hearing or have speech disabilities, through the California Relay Service (711), or you can contact us below.**

## TO FILE A COMPLAINT

Department of Fair Employment and Housing

[dfeh.ca.gov](http://dfeh.ca.gov)

Toll Free: 800.884.1684

TTY: 800.700.2320