

Public housing and housing choice vouchers: what can I do if I'm rejected because of a criminal record in Philadelphia?

Note: In Philadelphia County, the Philadelphia Housing Authority (PHA) oversees public housing and vouchers. The waitlist is often closed, so go to www.pha.phila.gov for the most up to date information. Please refer to PHA's [Public Housing Program Policy](#)(ACOP) and PHA's [Housing Choice Voucher Administration Plan](#) for more details.

This document explains the admissions and appeal process along with rights for anyone with a criminal record who is applying to PHA or has been denied. For more immediate or specialized housing opportunities, please use the [Philadelphia Reentry Coalition's Housing Resource Guide](#).

1. Will PHA reject me if I have a conviction?

It depends. PHA does a criminal background check on each applicant 18 years old and over for both public housing and vouchers. The procedures apply to persons seeking admission to housing and to those joining a family member currently living in PHA housing.

You **WILL** be rejected if:

- You must register for a sex offense with a lifetime status (until death) in any state;
- You have ever been convicted of manufacturing methamphetamine in federally assisted housing; or
- You have been evicted from federally assisted housing for drug-related criminal activity within the past 3 years UNLESS you have completed a substance abuse treatment program approved by PHA.

You **MIGHT** be rejected if the background check reveals:

- Drug-related offenses;
- Violent offenses; or
- Other offenses that could threaten the health, safety, or right to peaceful enjoyment of the building by other residents or PHA employees.

PHA will look at convictions that occurred within the past 3 to 10 years on average, depending on the nature of the conviction. PHA should not use arrests alone as the basis for denying, terminating, or evicting you (HUD Notice PIH 2015-19). PHA should not consider juvenile records, expungements (sealed convictions), or dismissed convictions.

2. What can I do if PHA denies my application?

If you are denied, PHA must send you a notice in writing that explains the reasons for denial.

- PHA must also give you a copy of the criminal background check it relied on. You should check to make sure that the information in the background check is accurate and does not contain arrest records or dismissed convictions.

An initial denial notice is NOT the final word. You have a right to request an informal hearing and challenge the decision. Follow the instructions in the notice about how to request an informal hearing.

****DON'T DELAY.** You have 10 business days to respond in writing to PHA's notice with a request for a hearing.

- The informal hearing is a chance for you to explain your individual circumstances and demonstrate to PHA that you will be a good tenant. You can present letters of support and have witnesses speak about the positive changes in your life that you have made since your convictions (See **Questions 3 & 4**)
- You have the right, but are not obligated to bring an attorney or other advocate to the informal hearing.

3. How can I strengthen my request for reconsideration?

Letters of support can be useful in demonstrating to PHA that you will be a good tenant and not commit crimes in the future. You should bring such letters and any other supportive documents to your informal hearing.

- You can gather letters from your parole or probation officer, teacher, employer, treatment program, social worker, community organizations, neighbor, religious leader, or current/prior landlords. The letters should explain that you are respectful and responsible.
- PHA is unlikely to give much weight to letters from friends or family members.
- Other helpful documents include certificates of program completion or enrollment (ex. education, job training, treatment, rehabilitation or any other supportive services), a statement about your future goals and positive life changes, and any other relevant documents.

Along with letters of support, you may bring witnesses to speak on the positive changes you've made in your life since conviction. Witnesses may include supervisors, ministers, teachers, and other community members.

4. What should I consider presenting at my informal hearing?

Along with the letters of support and witness testimonials, PHA will consider a number of “mitigating” circumstances at the informal hearing. “Mitigating” circumstances are facts that put your criminal record in context and demonstrate that you will not commit crimes in the future. You are responsible for presenting these circumstances in written or oral terms.

- This is a chance for you to demonstrate the difference between who you were at the time of the offense and who you are now. For example, at the time of the offense, you may have been using drugs but since then have completed rehab and remained sober for three years. At the time of offense, you may have been unemployed but since then have obtained a GED and worked steadily.

“Mitigating” circumstances that PHA considers:

- Mistakes on record
- Seriousness of the offense (misdemeanor vs. felony)
- Length of time which has passed and your level of involvement in the offense
- Whether other family members were involved in the offense
- How a denial of PHA will affect other family members
- Recent history of good behavior
- Evidence of work history or history of community volunteer work
- Satisfactory completion of probation
- Participation in a social service/rehab programs
- Whether the conviction is related to a mental or physical disability (See **Question 5**)
- Whether the conviction is related to being a survivor of domestic violence (See **Question 6**)

For more information on informal hearings, please review PHA's [ACOP](#) and [HCV Plan](#). Other resources include the [National Housing Law Project's Guide](#) on accessing federally subsidized housing and [this brochure](#) on the informal hearing procedure.

5. What if my conviction is related to a mental or physical disability?

You should ask PHA to waive its admission criteria as a “reasonable accommodation”. A reasonable accommodation is a change in policy or practice that is needed to allow a person with a disability to access housing.

You should show PHA that:

- You have a disability;
- The disability is related to your criminal record; and
- You are doing everything you can to manage the disability.
- It is important to remember that past substance use can be a disability **if** you are in recovery and present evidence at the informal hearing to that effect (such as completion of rehab and attending 12-step meetings).

6. What if my conviction is related to being a survivor of domestic violence?

Under the Violence Against Women Act (VAWA), applicants who otherwise qualify for assistance or admission may not be denied on the basis that the applicant has experienced domestic violence, dating violence, stalking or sexual harassment. As a result, PHA may disregard a criminal record if it is connected to being a survivor of abuse and the proper documentation is presented.

At the informal hearing, PHA will ask that you demonstrate the connection between abuse and unfavorable history by presenting one of the following documents:

- A certification form approved by PHA; or,
- A completed [HUD VAWA Certification Form 5382](#); or,
- A Federal, State, tribal, territorial, local police record, court record or administrative agency record; or,
- Documentation signed by applicant or tenant AND another professional.

PHA may also ask you to name the perpetrator of the abuse if it is safe to do so.

Please refer to VAWA documents that should be attached to PHA's denial notice and/or contact the below resources to learn more. Review Section 3.8.7 Victim Documentation in PHA's [ACOP](#) for more details on documentation requirements.

7. Where can I go for help?

- [Public Defenders](#) for help with expungement and sealing of eligible arrests, if you were represented by them in your criminal case. Call 215-568-3190 or visit at 1441 Sansom Street.
- [Community Legal Services](#) for help with expungement and housing application denials. Call 215-981-3700 or visit 1424 Chestnut Street.
- [Philadelphia Commission on Human Relations](#) if you feel you are being discriminated against in your housing applications. Call 215-686-4670, email pchr@phila.gov, or visit 601 Walnut Street.
- [Fair Housing Rights Center](#) if you feel you are being discriminated against in your housing applications. Call 215-625-0700 or visit 444 North 3rd St #110.
- [Philadelphia Lawyers for Social Equity](#) for help with expungements or applying for a pardon. Call 267-519-5323 or email info@plsephilly.org.

Note: Even if you are given a housing voucher, many private landlords conduct their own criminal background checks with different screening criteria. For more information, see Regional Housing Legal Services and Philadelphia Reentry Coalition's resource, "[Private and affordable housing: what can I do if I'm rejected because of a criminal record in Philadelphia?](#)") or [Housing Equality Center's Renter Guide for Pennsylvania](#) may be useful.