



How Does a Conviction Affect Your Housing Rights? Public Housing and Housing Choice Vouchers in Philadelphia County

Note: In Philadelphia County, the Philadelphia Housing Authority (PHA) oversees public housing and vouchers. The waitlist is often closed, so go to www.phila.pha.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.

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 public housing or vouchers. The procedures apply to persons seeking admission to housing and to persons joining a family member currently living in PHA housing

You **WILL** be rejected if...

- You must register as a lifetime sex offender 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 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.

****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 that you have made since your convictions (See Questions 3 & 4)
- You have a right, but are not obligated to bring an attorney or 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 may not give much weight to letters from a friend or family member.
- Other helpful documents include certificates of program completion or enrollment (eg. education, job training, treatment, rehabilitation or any other supportive services), a statement about your future goals and positive changes, and any other relevant documents.

Along with letters of support, you may bring witnesses to speak on the positive changes you've made. 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 provide evidence that you will not commit crimes in the future. You are responsible for presenting these circumstances through written or oral testimony.

- 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 used drugs but since then have completed rehab and living sober for three years. You may have experienced unemployment and homelessness at the time of the offense but since then have obtained your GED and are working.

"Mitigating" circumstances PHA considers:

- Mistakes on criminal record
- Seriousness of the offense (misdemeanor vs. felony)
- Length of time which has passed and your level of involvement
- Whether other family members were involved in the offense
- How a denial might affect other family members
- Recent history of behavior and likelihood of favorable conduct
- Evidence of work history or history of community volunteer work
- Satisfactory completion of probation
- Participation in applicable 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)

Note: PHA may NOT consider your individual circumstances if: (1) you must register as a lifetime sex offender in any state, (2) you have been convicted of manufacturing or producing methamphetamine in federally-subsidized housing.

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 abuse can be a disability if you are in recovery and present evidence at the informal hearing to that effect (eg. documentation of program completion).

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 and known to you.

Please refer to VAWA documents 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 voucher, many private landlords conduct their own criminal background checks with different screening criteria. For more information, [Housing Equality Center's Renter Guide for Pennsylvania](#) may be helpful.