

I have a criminal record because of a disability and/or past substance use. How can I access housing despite the criminal background screening?

Under [the Fair Housing Act](#) (FHA), applicants who have a criminal conviction as a result of a disability-- including past substance use and/or mental illness-- may be able to request "reasonable accommodation" to have their conviction disregarded when applying to ANY type of housing, public or private. Keep reading to learn more.

1. What is considered a disability in Pennsylvania?

[Federal fair housing law](#) defines a disability as any "physical or mental impairment that substantially limits one or more major life activities". Examples include, but are not limited to:

- Past substance use or alcoholism (in recovery)
- Mental illness
- Blindness, hearing impairment
- Learning disability

Note: "Currently using illegal substances" is NOT considered a disability under federal fair housing law. However, people receiving Medication Assisted Treatment (MAT) under the supervision of a licensed health professional may still be entitled federal disability rights ([US Department of Health and Human Services](#)).

2. What is "reasonable accommodation"?

A change to the rules, policies, services, or practices to ensure that a person with a disability has an equal opportunity to use and enjoy a living space.

Examples include, but are not limited to:

- Reserving a parking space for a tenant with a mobility impairment, even if parking is typically "first come/first served"
- Allowing a service animal, despite a no-pet policy
- Accepting a reference from a service provider if an applicant has poor credit, an eviction history no recent rental history, or bad landlord references

Note: A housing provider may not impose an extra fee or additional deposit as a condition of granting reasonable accommodation.

3. Can I ask a housing provider for reasonable accommodation of my criminal record?

You may be able to request a reasonable accommodation to a housing provider's criminal background policy, when applying or after a denial, if:

- Your criminal record is a direct result of disability-related issues
AND
- You have received appropriate treatment

For example, if you have a misdemeanor as a result of being under the influence of illegal drugs AND have taken steps to address the addiction (ex. completing a program), you may ask the housing provider to disregard the misdemeanor in the screening process.

Note: A housing provider may still deny you if they determine you are a "direct threat" to the health, property, and safety of others.

4. How do I ask for reasonable accommodation of a criminal record?

Public Housing

- 1) Fill out the PHA's [Accommodation Request Form](#), and submit to the Admissions Office, to any Property Manager, or directly to the Accessibility Coordinator by fax at (215)684-4578. See form for more details or call the Accessibility Coordinator at (215)684-4379 with questions.

Private Housing

- 1) Send a written letter requesting a reasonable accommodation to the housing provider that explains ALL of the following in plain language:
 - That you have a disability, and what that disability is.
 - That the disability caused the offense.
 - What your requested accommodation is.
 - Directly ask the housing provider to make an exception to their criminal history policy.
 - Why the accommodation you are requesting is necessary and reasonable.
 - State that an exception from their criminal history policy is necessary to give you an equal opportunity to access housing. A request is reasonable if it does not substantially increase the burden on the landlord.
- 2) Attach supportive documentation such as:
 - Verification letters from a doctor, medical professional, peer support group, a sponsor, social worker, service provider, judge, attorney or reliable third party confirming your disability and explaining its connection to the offense.
 - For *past substance use*: Make clear that you no longer suffer from addiction, and attach any documentation that shows you are in recovery (ex. Letters from service providers or doctors, certificates of completion of rehabilitation program). Keep in mind that proving past substance use may be difficult because the definition of "current" illegal substance use varies.

5. Where can I find sample letters?

- NW Pilot Project:
<https://www.nwpilotproject.org/wp-content/uploads/2019/04/Reasonable-Accommodations-for-Housing-Applications.pdf>
- North Carolina Disability Rights Org:
<https://disabilityrightsn.org/community-living-and-equal-access/housing/letters-for-housing-accommodations>
- Tenant's Union:
https://tenantsunion.org/pdf/Sample_Letter_Housing_Denial_for_Criminal_History.pdf
- Fair Housing Council of Oregon
[Moving Forward with a Past - Fair Housing Council of Oregon fhco.org > fhco-downloads > category > 3-guides](https://www.fhco.org/moving-forward-with-a-past-fair-housing-council-of-oregon-fhco.org/fhco-downloads/category/3-guides)
- Equal Rights Center:
<https://equalrightscenter.org/wp-content/uploads/making-home-accessible-toolkit.pdf>

6. What happens after I submit a letter for reasonable accommodation?

After sending your initial request, the housing provider may reach out to verify your disability and/or need for accommodation. You may need to provide more documentation or letters from a qualified professional or service provider clarifying the relationship between your disability and accommodation. After reviewing the request, the housing provider will inform you of their decision.

Note: Keep a journal of incidents of discrimination. Save any documents, including email and texts. It will be beneficial to write down names, dates, addresses, rental terms, and any other details about your interaction and experience, if you wish to report the discrimination later on.

7. If I am denied, can I challenge the decision?

If you are denied a reasonable accommodation, you may consider:

1. Informal interactive process: If a housing provider refuses to grant you a reasonable accommodation, they must engage you in an informal discussion of alternative solutions that meet both of your needs.
2. Seek assistance using the resources below under “Where can I go for help?” or for more ways to respond, visit [How to Get On’s online guide](#).
3. File a formal discrimination complaint with the Philadelphia Fair Housing Commission or HUD. You have one year to file an administrative complaint from the time of the incident. By reporting, you protect your right to safe housing and ensure others may also access housing on a nondiscriminatory basis.

Note: A verbal denial or brush off (“we can’t do that”) is NOT a denial. Let them know, “I am requesting a written decision” or [write a letter](#) asking for one. The denial notice must use the term “reasonable accommodation” and clearly state a reason. If the provider’s decision is at all unclear, clarify that, “I am requesting a written decision” or [write a letter](#) asking for one.

8. Where can I report discrimination?

- **PA Fair Housing Hotline:** 855-866-5718
 - Call toll-free to help filing a discrimination claim and for any other questions.
- **Housing Equality Center of PA:** 866-540-FAIR
 - Call, email info@equalhousing.org or complete the online form at <https://www.equalhousing.org/report-discrimination/>
- **Philadelphia Fair Housing Commission:** 215-686-4670
 - Call, email a [completed intake questionnaire](#) to fairhousingcomm@phila.gov, or go in person to 601 Walnut St, Suite 300 South, 8:30 am – 5:00pm M-F. For more information, go to www.phila.gov/fairhousingcommission
- **HUD’s Office of Fair Housing and Equal Opportunity (FHEO):** 800-669-9777
 - Call to speak with a FHEO intake specialist.
 - Use online form in English or en Español.
 - For more information and other language access options, visit: https://www.hud.gov/program_offices/fair_housing_equal_opp/online-complaint.

9. Where can I get support?

- **Fair Housing Rights Center of Southeastern Pennsylvania:** (215)-625-0700
 - Call for assistance requesting accommodation or go to fairhousingrights.org. 444 North 3rd St, Suite 110
- **Philly Tenant Hotline:** (267)-443-2500
 - Call for free legal advice and representation for low income tenants. Leave a message with your number and someone will return your call.
- **Community Legal Services:** (215)-981-3700
 - Leave a message and an advocate will return your call. Go to <https://clsphila.org> for more information.

10. I'm a service provider. How can I support my client?

- Write a supportive letter to the housing provider in plain language. Include the following:
 - Brief summary of professional qualifications, the nature and length of relationship.
 - Nature of client's condition. Talk to your client about what you can disclose. It may be sufficient to state a general type of disorder ("an anxiety disorder").
 - Need for reasonable accommodation and suggested accommodation.
- Offer to be a reference in your client's reasonable accommodation letter (see above samples).
- Talk about what illegal discrimination may be encountered and what to do.
- How to Get On's disability verification letter [template for providers](#).

Note: The information provided is not intended to and does not constitute legal advice. Adapted from [Root & Rebound's Roadmap to Reentry](#).