

# Fair Housing and Criminal Convictions

## Advocating for Your Rights in the Application Process



### Individualized Assessments



It is illegal for a housing provider to make statements such as “No criminal history allowed,” or “No arrests allowed.” Housing providers cannot automatically deny a tenant due to criminal history.

**A housing provider must conduct an individualized assessment** of the applicant, including any supplemental materials that the applicant may provide to explain, justify, or negate the relevance of their criminal history (ORS 90.304(5)).

### Assessing Risk

Assessments about criminal history must be made on a **case-by-case basis**.

Housing providers may consider factors such as:

- The type of crime;
- The length of conviction;
- The risk you pose to other people or the property;
- And the amount of time that has passed since you committed your crimes.

### Criminal History and Disability

The protected class of disability extends to:

- Physical and mental health conditions;
- Previous substance addiction (not current users);
- Ongoing chronic medical conditions;
- History of a disability.

Requesting a **Reasonable Accommodation** at application means asking for an exception to the screening criteria because a disability has caused a rental barrier that disqualifies the applicant.

Some convictions, or other rental barriers, may be a result of a previous disability and can be addressed by making a reasonable accommodation request.

If a housing provider has a policy or practice that excludes applicants with only certain types of convictions, they must prove that this is for a nondiscriminatory reason.

**Housing providers may deny your application if there is evidence that you pose a risk to other residents and/or the property, or if you do not meet other application requirements.**

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### Letter of Explanation

In a letter of explanation, it is important to describe how you are no longer involved in illegal activities and do not present a risk to the property or other residents.

Be sure to include additional supportive documents such as letters of references or rehabilitation certificates.

### Reasonable Accommodation

Reasonable accommodations may only be used to address housing barriers directly related to someone's disability.

You are required to submit verification of your disability unless it is evident. Verification of disability can include a letter from a doctor, counselor, case worker, sponsor, parole officer, or a graduation certificate from a drug or alcohol program, etc.

### Letter of Explanation Template

Dear "Landlord/Property Management Name,"

I am interested in your rental unit located at [add in address]. It looks like a great property and I believe I will be a good fit for you as a tenant. I would like to give you some information that will help you decide on my rental application.

(Each barrier will have its own paragraph. The paragraph will have three parts.)

When you run my application you will find [list first barrier]. Since that time, [add in what you're doing or what you've done to address that barrier]. To verify this, [list the document you have included to show your progress or the name and contact information of the person that can verify this]. (Repeat this paragraph for as many barriers as you have)

As a renter, you will find I am [list the qualities you have that will make you a good renter].

Thank you for your time and consideration.

Sincerely,  
(Sign)



[www.fhco.org](http://www.fhco.org)

Report discrimination at [fhco.org/report-housing-discrimination/](http://fhco.org/report-housing-discrimination/) or email [enforcement@fhco.org](mailto:enforcement@fhco.org) to learn more about your rights

It is illegal for anyone to threaten you with eviction or to harass you for filing a fair housing complaint against them. The Fair Housing Council of Oregon will not share your information with anyone without your permission.