

Working with Landlords to Overcome Housing Barriers for People with Criminal Records

People with criminal records face significant barriers to accessing quality housing; individuals with experience of incarceration are nearly ten times more likely to be homeless than the general public. Even when housing can be located, stigma and unnecessary restrictions can prove to be a major barrier. As a result, effective landlord engagement is particularly important for clients with criminal records who experience homelessness or housing instability.¹

This guide outlines proactive strategies and resources to support cross-system practitioners, including Continuum of Care (CoC) and criminal justice system (CJS) partners, in landlord engagement efforts to decrease barriers to housing for people with criminal records.

Key Strategies and Action Steps

- **Prepare for potential issues in advance**, including common questions, requests, and anticipated issues that landlords may raise
- **Consider strategies to overcome hurdles** and help understand and address landlord's concerns
- **Leverage partnerships between the criminal justice system and CoC** to more effectively support clients with criminal records, such as individuals in reentry

Prepare for Potential Issues in Advance

Use Targeted Landlord Recruitment

It is important to be strategic and targeted with landlord engagement resources, which are often in short supply. When looking for landlords who are open to providing housing to people with criminal records, the following approaches may help increase successful housing connections:

- ❑ **Seek out property owners and property managers with medium-sized housing portfolios:** Property owners with single properties frequently live onsite and are often more risk averse than those with multiple properties. On the other end of the spectrum, large property owners often have strict screening policies and staff may have less discretion when filling vacant units. Medium-sized portfolios are often small enough for

¹ "Landlord" refers to property owners, property managers, and/or their agents who are responsible for screening potential tenants.

landlords to be concerned about quickly filling vacancies, but not so large that they have inflexible policies and procedures regarding housing people with criminal records.

- ❑ **Match clients with landlords who already trust your program:** Landlords may be less concerned about the results of a background check, or forego a criminal record check entirely, if you have already worked with them and established that they can trust and rely upon your agency. This trust can be built between landlords and service providers, community corrections officers, or other partners who are connecting people to housing.
- ❑ **Look to the reentry support community to forge new connections:** Many communities have dedicated agencies or programs that help people transition during reentry and provide support with employment, substance use treatment, and criminal records expungement. Reentry program staff are often aware of landlords who are known to rent to people with criminal records. By joining programs or support groups, clients can also make connections to others who have navigated reentry and may be able to connect them to their own landlords or possibly even enter a shared housing arrangement.

Anticipate Criminal History Screening

Service providers should assume that most landlords will conduct background checks on housing applicants and be prepared to respond.

- ❑ **Identify impacted clients and obtain their accurate criminal history:** If you do not already have all of their information, ask clients trauma-informed questions to understand their relevant background and criminal records. Always explain why you are asking for this information and how it will be used. If you determine that someone has a criminal record, assist them in obtaining their criminal history records (e.g., their Record of Arrests and Prosecutions “RAP” sheets). Review criminal records with your client, and their attorney if they have one, to confirm the records’ accuracy. If you determine that a client’s commercial criminal background check shows expunged, sealed, or vacated records, immediately notify the background check company that they are legally required to remove this information. Anticipating what may appear on a background check will help prepare the client to address a landlord’s potential concerns. Always ensure you have your client’s permission before obtaining their criminal records or communicating with their attorney.
- ❑ **Use your client’s criminal history information to build a rental packet:** Rental packet documents should include evidence that your client does not pose a risk to the landlord, their property, or other tenants. Examples include:
 - References from former landlords stating that the client was a responsible tenant.
 - Letters from community members that speak to the client’s character or personal development. For example, letters from employers, teachers, former neighbors, religious leaders, correctional officers or counselors, community supervision officers, or treatment program sponsors.

- Certificates showing that the client completed a program, such as a workforce training program, substance use treatment, or a domestic violence intervention program.
 - Evidence that a conviction was dismissed or overturned on appeal, and therefore should not be considered.
 - Letters demonstrating support networks and community participation, including volunteerism, community service, engagement in a faith community, or other connections.
 - If a landlord is very likely to run a criminal background check, your client may want to include the background check application materials in their packet.
- ❑ **Prepare your client to talk about their background:** Let your client know that landlords might ask them broad or detailed questions about their background, including their criminal record. Ensure your client is familiar with what information a landlord is allowed to consider when screening them for a housing unit. Talk to them about how they would like to respond to potential questions, and practice with them until they feel confident about their answers.
- ❑ **Work with your client to determine what role you will play with the landlord:** If your client advocacy may include disclosing or discussing criminal record information, be sure to obtain the client's informed consent.

Consider Strategies to Overcome Hurdles

Due to the stigma experienced by people with criminal records, effective landlord engagement is often necessary to overcome housing barriers. In many instances this involves important conversations with the landlord, grounded in active listening to understand and address their concerns.

Recommended Approach: Don't Stop at the First No

If a landlord rejects your client's housing application, try to find out why it was rejected and take any opportunity you can to respond in a tailored way.

Landlord Concern	Responses
Lack of Income	<ul style="list-style-type: none">• Explain your client's plan to secure employment or benefits, providing names of any programs or individuals providing assistance.• Explain that the program will pay a portion of the client's rent while they work towards obtaining sufficient, stable income. Provide details on duration and logistics for rental assistance.
Safety	<ul style="list-style-type: none">• Provide documents that demonstrate how your client's conviction does not pose a safety risk. For example:<ul style="list-style-type: none">○ Information demonstrating that circumstances relevant to any behaviors leading to conviction have changed (e.g., the client's age at the time of the conviction, the client is no longer connected to the people involved with the criminal conduct, length of time since the conviction, etc.)○ Documents that show your client's efforts to address any underlying issues that led to their conviction. For example, if they were convicted of assaulting someone while under the influence, provide reference letters or certificates that show that your client is participating in or has completed a treatment program or is on medication to manage their behavioral health issues.○ Factual, non-biased statements from credible third parties that may provide additional context to events not otherwise evident from conviction history alone. For example, a statement from a former case manager describing the nature of a mental health crisis at the time of an offense and confirmation that the crisis has been resolved.• Assure the landlord that you will be there to help them address any concerns that arise while your client is in the program, and that you are available and will respond quickly when they call.
Property Damage	<ul style="list-style-type: none">• Highlight any financial support your program can provide, including security deposits and landlord mitigation funds for repairs and other costs.• Offer to connect new landlords to existing landlords who can speak to your program's responsiveness.

Landlord Concern	Responses
	<ul style="list-style-type: none"> • Explain how the client’s conviction is unrelated to their ability to maintain a unit, if possible. For example, a conviction for robbery says nothing about how someone will treat their home. • Provide references from former landlords or others who can corroborate that your client is a responsible tenant and/or describe how the circumstances leading to previous property damage have been addressed. • If possible, emphasize that significant time has passed since the crime took place.
Long-Term Stability	<ul style="list-style-type: none"> • Talk about the supportive services and case management that your program provides, and how it works to help clients maintain their housing. • Tell success stories about assisting people in reentry to obtain permanent housing. • Describe the client’s current support system, and how it is different and more effective than past networks.

Remember the Relationship

Engaging with landlords is like building any other relationship – without trust and open communication, efforts to connect will falter.

- ❑ **Be honest:** In all communication with landlords, remember to be honest. Do not lie or mislead about your client’s criminal history. To the extent that your client is comfortable, be transparent and realistic about their situation. This honesty will increase your client’s chances of finding a good fit, and it will also help build trust with landlords, which is the foundation to ongoing landlord relationships that will benefit your current and future clients.
- ❑ **Do not make promises you cannot keep:** Take a strengths-based approach to communicate how your client will be an excellent tenant, but do not make promises you cannot keep. For example, you cannot promise that there will never be a tenancy issue with your client. However, you *can* promise that you will be responsive and help address any issues that arise.

Similarly, don’t oversell what your program can offer. For example, if you cannot be responsive to landlords 24/7, give them the real hours that you are available and be responsive during those timeframes.

Formal Landlord Incentives

Landlord incentive programs can be very effective in overcoming landlords' reluctance in renting to clients, increasing the availability of units available to people who are often otherwise excluded from the private market. These programs may be funded through the CoC or by a CJS partner and can be a meaningful use of CJS resources to improve housing outcomes and reduce recidivism in the community.

It is important to ensure that landlord incentive resources are known to partners in both the criminal justice system and homelessness system of care who are working to find housing for individuals with criminal records, and that they understand how to leverage the program for their clients.

Landlord incentives can include:

- ❑ **Housing Navigation Point Person:** Have a dedicated point person with a primary responsibility to recruit and retain landlords. They can also be a person that the landlord can reach out to regarding any concerns and they may serve as a resource for dispute resolution and provide mediation if the landlord cannot reach the service provider.
- ❑ **Landlord Risk Mitigation Fund:** Landlords and property managers who agree to rent to people in the program can recoup up to a certain amount in funds lost due to unpaid rent or excessive damage to units. A mitigation fund provides added protection for landlords who are willing to rent to someone with limited income, a poor rental history, or a criminal record.
- ❑ **Leasing Bonus/Leasing Renewal Bonus:** Offering monetary incentives can be effective in encouraging landlords to rent to people who typically find it difficult to rent in the private market due to their criminal record.

Understanding the Impact of Criminal Background Checks

Criminal history data is often used in risk assessment and screening tool for housing providers and their management agents. Housing providers often rely on findings from recidivism studies to support this stance, however, criminal history is not a good predictor of housing success.

- ❑ **Remind landlords that screening tools are unreliable and do not take important information into account:** Screening tools and risk assessments are not effective in gauging risk for individuals with criminal records. Criticism of these tools includes inherent bias and discriminatory effect resulting from discriminatory practices in the criminal justice system, failure to take context and other factors into account, and use of information about past events and other social context factors that cannot reliably predict a future outcome. Looking backwards to estimate a future outcome that has not occurred and may never occur, cannot be used to screen people for housing without also screening out many individuals who would be good tenants.
- ❑ **Encourage assessments based on more holistic standards:** More and more providers are understanding the limitations of background checks and screening tools. A more holistic assessment is a more equitable approach towards tenant screening, especially when typical screenings and risk assessments also disproportionately affect people of

color. The number of law enforcement interactions for people of color or people from low income communities are often widely disproportionate, meaning that they are also disproportionately impacted by housing criminal background checks.

- ❑ A few examples of pertinent contextual and holistic assessment factors include:
 - the seriousness of the crime
 - whether arrest led to conviction
 - history of participating in preventive interventions and other rehabilitative programs
 - history of participating in behavioral health interventions
 - length of current employment
 - ties to social and community supports
 - civic and social engagement

Additional Resources

- [How to Read Your RAP Sheet Criminal Record Online Toolkit](#): a resource that helps people understand how to understand their criminal records (their “RAP sheets”) in different states

Leverage Partnerships between the Criminal Justice System and CoC

On average, over 10% of people released from prison or jails are released into homelessness. Many people with criminal records face considerable barriers to obtaining safe and stable housing. Chief among these barriers is that the fact that private housing is typically unaffordable, and in tight housing markets, landlords have a deep applicant pool and limited incentive to rent to people with criminal records. Criminal justice system and CoC partners can meaningfully work together to overcome these barriers for their clients.

- ❑ **Establish regular pathways of communication:** CJS and CoC partners often share many goals, including improving permanent housing outcomes for the persons they are serving. Ensure that all partners who are engaged in supporting individuals with criminal records to locate housing are familiar with landlord engagement strategies and local resources and know how to access those resources for their clients. Work together to identify gaps and opportunities for strengthening the available network of landlord engagement resources and supports.
- ❑ **Partner to identify resources:** Ensure that individuals with criminal records who are under community supervision or reentering the community from incarceration have access to housing navigation, housing-focused case management, and landlord mitigation resources. Recognizing that access to housing reduces recidivism, many CJS

entities invest CJS resources into these programs that can supplement resources available in the homeless system of care.

- ❑ **Provide a united front in landlord engagement:** Landlords are more likely to rent to a tenant who has a support network and individuals willing to speak on their behalf and support them in their tenancy. CJS partners may be willing to reach out personally to the landlord, write a letter on the tenant’s behalf, and support development of a strong rental packet, while CoC partners may have access to a network of landlords willing to rent to participants in their programs. Together, CJS and CoC partners can more effectively put into practice a holistic strategy leveraging the landlord engagement recommendations outlined above.

Additional Resources

- [Landlord Engagement & Recruitment Desk Book \(HUD\)](#): HUD’s guide to working with landlords, including practical templates and checklists that programs can use to improve their efforts
- [Engaging Landlords: Risk Mitigation Funds - Community Profiles \(USICH\)](#): A collection of communities that successfully established risk mitigation funds to recruit and retain landlords
- [Fair Chance Housing: A National Know-Your-Rights Toolkit for Accessing Housing with a Conviction Record \(Root and Rebound\)](#): A toolkit to provide information about the legal rights of an individual with a criminal record who is seeking to secure housing
- [Criminal Record Online Toolkit \(ILR CJEI\)](#): A resource that helps people understand how to understand their criminal records (their “RAP sheets”) in different states
- [Tenant Screening and Criminal Background Checks: Predictions and Perceptions are Not Causality \(HUD User\)](#): An article that elaborates on why criminal background checks are not a reliable and equitable way to assess tenant suitability
- [Success in Housing: How Much Does Criminal Background Matter? \(Wilder Foundation\)](#): A summary report that elaborates on how residents’ criminal backgrounds contribute to housing outcomes