

Policies differ in the types of landlord behavior that is restricted. States and cities have taken different approaches as to when in the leasing process the laws apply, such as at advertisement, at application review, at decision, or after decision (figure 2). Most commonly, jurisdictions prohibit landlords from asking about criminal history at application and from denying applicants based on criminal history.

- About 33 percent of jurisdictions focus on behavior prior to receiving an application. For example, about 25 percent of jurisdictions prohibit landlords from advertising that criminal history will affect selection at point of listing. One jurisdiction requires landlords to state all eligibility requirements before an applicant pays an application fee.
- About 90 percent of jurisdictions focus on how applications are reviewed. For example, 63 percent of jurisdictions prohibit landlords from asking about specific criminal histories or requiring applicants to disclose specific criminal histories. Six jurisdictions allow landlords to inquire about criminal history once a conditional offer has been made. One jurisdiction requires landlords to conduct an individualized assessment.
- Around 63 percent of jurisdictions prohibit landlords from rejecting an applicant, taking an adverse action, or discriminating based on the specific subset of criminal records included in the policy. A small number of jurisdictions require any denials or rescinded offers to be accompanied by a written note explaining the decision.
- A far smaller number of jurisdictions have requirements that extend after the decision, such as limiting the ability to change housing costs based on criminal history.

FIGURE 2
Where in the Screening Process Fair Chance Laws Apply

Jurisdiction	Prescreening		During screening	Application	Conditions for denial
	Advertising	Notice			
Oakland, CA	●	■	●	▲	■
Richmond, CA	●	■	▲	■	■
Berkeley, CA	●	■	●	▲	■
Washington, DC			●	●	■
Colorado					■
Cook County, IL	●	●	●	●	●
Louisville, KY	●	■			
Montgomery County, MD	■	■			●
Ann Arbor, MI	●	●	■	■	●
Detroit, MI	●	●	▲	●	●
Minneapolis, MN			▲	●	■ within 14 days of denial of application
New Jersey	●	■	▲	●	● must offer opportunity for applicant to appeal
New York, NY			●	▲	● written explanation required with a copy of the fully completed NYSHCR Worksheet detailing the reason for the rejection
Oregon			▲	●	
Seattle, WA	●	■			■

● No housing provider shall publish or display, or cause to be published, any kind of advertisement that will indicate or express unlawful limitation or discrimination based on criminal history.

■ Housing provider is required to notify prospective applicants of the legislation.

● Optional Individualized Assessment: considerations for time elapsed, nature and severity of criminal history, age of applicant at the time they apply for housing.

■ Housing provider must have written consent from applicant to conduct additional screening.

▲ Housing provider must inform applicant before conducting additional screening.

● Written explanation is required for denials or rescinded offers. Materials used to make the decision must be shared with applicant.

■ Written explanation is required for denials or rescinded offers. Materials used to make the decision must be shared with applicant, and housing provider must notify applicant of their right to file a complaint.

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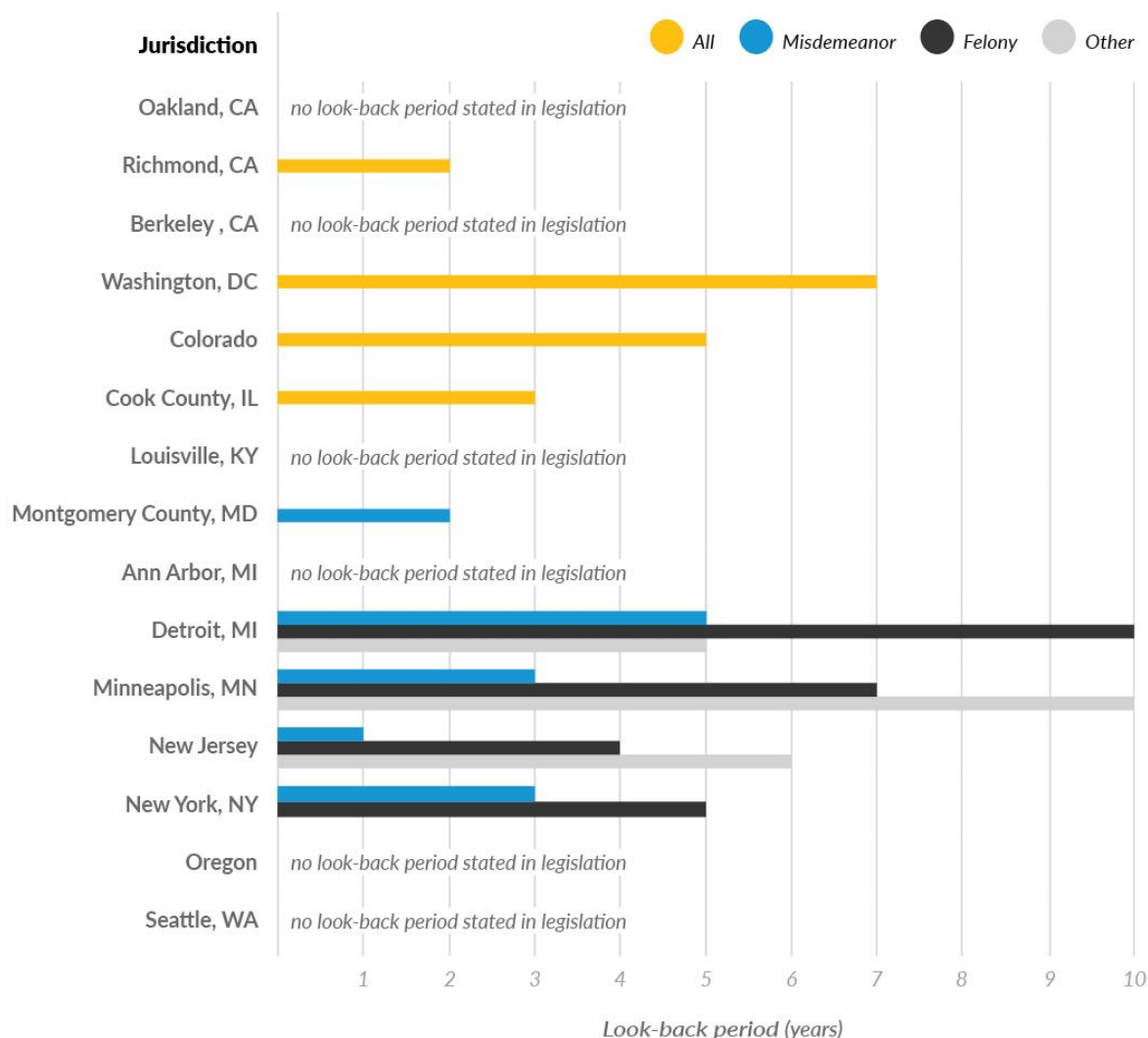
Source: Created by authors based on 15 Fair Chance housing legislations; see the "Appendix" section below.

Look-back periods vary substantially across region. A look-back period reflects the amount of time since an offense occurred. Fair Chance policies aim to limit the period of consideration for criminal records, with the understanding that a criminal record should not be a permanent mark on a person's tenant screening. For context, the Fair Credit Reporting Act has a 7-year look-back period that restricts the reporting of certain adverse information—requiring the exclusion of most criminal history—in background checks (figure 3).

- A quarter of all policies do not state specific look-back periods.
- The shortest look-back period is 3 years, adopted by three jurisdictions.
- The longest look-back period is 10 years, and it only includes felony convictions for violent offenses.
- New Jersey specifies look-back periods based on crime. For example, there is no look-back period for any violent crime (i.e., a landlord can view these records without time limitation), but there is a 1- to 6-year look-back period based on the degree of the charge.

FIGURE 3

Variation in Fair Chance Housing Legislation across Jurisdictions



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Source: Created by authors based on 15 Fair Chance housing legislations; see the "Appendix" section below.

Criminal records that are included and excluded are inconsistent. There is little evidence linking criminal charges or convictions to tenancy stability and success (Warren 2019). The lack of guidance and consensus may be why jurisdictions include different types of charges and convictions in their policies, such as which criminal charges and convictions *cannot* be considered by landlords.

- 40 percent of localities include records that did not result in a conviction.
- About 33 percent of localities include records that were dismissed, expunged, sealed, or legally nullified.
- 20 percent of localities include charges that resulted in a deferral program.
- 20 percent of localities include records committed when individuals were juveniles.
- 13 percent of localities include crimes that might be considered less serious, such as older misdemeanors or violations other than a felony or misdemeanor.

All jurisdictions with Fair Chance laws had some charges and convictions excluded, meaning those crimes may be considered during application. These generally include sexual offenses and methamphetamine production in public housing. This aligns with federal eligibility criteria for housing support programs sponsored by the US Department of Housing and Urban Development, which bar individuals with a sex-offender registration or those involved in the production of methamphetamine on the premises of federally assisted housing.¹

- 40 percent of jurisdictions exclude violent crimes, such as homicide, stalking, and arson.
- 30 percent of jurisdictions exclude drug crimes and convictions.
- 13 percent of jurisdictions exclude bribery or corruption related to housing.
- Ann Arbor, Michigan, has the fewest exclusions—only convictions that can be considered are those based on state and federal requirements.
- Oregon has one of the more permissive exclusions, including any crime “for which conviction could result in negative adverse effects for housing provider or other resident.”²

Housing Units Excluded

Almost all the Fair Chance policies have exclusions for certain types of housing units.

- About 38 percent of jurisdictions exclude owner-occupied units, though definitions of such units vary.
- One jurisdiction limits accessory dwelling units from consideration.
- One jurisdiction exempts public housing providers.
- One jurisdiction exempts religious organizations that offer housing.

Appendix

Below is a list of 15 Fair Chance housing legislations reviewed for this brief:

1. Oregon, Senate Bill, S.B. 291 (2021)
2. Seattle, Municipal Code, Chapter 14.09, Ord. 125393 (2017)
3. New Jersey, Statutes, N.J.S.A. 46:8 (2021)
4. Minneapolis, MN, Code of Ordinances, Title 12, Chapter 244, Ord. 2019-038 (2019)
5. Detroit, MI, Code of Ordinances, § 26-5-1, Ord. 01-19 (2019)

6. Ann Arbor, MI, Code of Ordinances, Title 9, Chapter 122, Ord. 21-06 (2021)
7. Montgomery County, MD, County Code, § 27-9-2 (2021)
8. Louisville-Jefferson County, KY, County Code, LMCO 92.04(5) (2020)
9. Cook County, IL, Human Rights Ordinance, Ord. 19-2394, § 42-38 (2020)
10. Colorado, House Bill, H.B. 19-1106 (2019)
11. District of Columbia, Code of the District of Columbia, Chapter 35B (2025)
12. Berkeley, CA, Municipal Code, Chapter 13.106 (2020)
13. Richmond, CA, Municipal Code, Chapter 7.110 (2016)
14. Oakland, CA, Code of Ordinances, Chapter 8.25 (2020)
15. Portland, OR, City Code, 23.01.060 (2025)

Notes

- ¹ [Denial of Admission and Termination of Assistance for Criminals and Alcohol Abusers](#), 24 C.F.R. 982.553, *reprinted as amended in* [Ineligibility of Dangerous Sex Offenders for Admission to Public Housing](#), 42 U.S.C. § 13663 (2025).
- ² S.B. 291, 81st Oregon Legislation Assembly (2021).

References

Warren, Cael. 2019. [Success in Housing: How Much Does Criminal Background Matter?](#) Saint Paul, MN: Wilder Foundation.

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