

# Engaging Landlords to Support Housing for People with Criminal Histories

Across numerous systems — community corrections, homelessness response, reentry, behavioral health — practitioners must confront and problem-solve around barriers to safe and stable housing to support the people that they work with. Barriers faced by people who are impacted by the criminal legal system can be some of the hardest to address. Often, simply finding landlords or property managers<sup>1</sup> open to renting to people with experiences of incarceration and homelessness or housing instability can seem insurmountable. Because of these challenges, **landlord engagement efforts are especially critical for clients with criminal histories who experience homelessness or housing instability.** This guide offers a series of proactive strategies to support cross-system practitioners in landlord engagement efforts to decrease barriers to housing for people impacted by the criminal legal system.

## Strategy 1: Prepare for Potential Issues in Advance

### Recommended Approach: 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 histories, 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 on-site, 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. Landlords with medium-sized portfolios are often small enough to be concerned about quickly filling vacancies, but not so large that they have inflexible policies and procedures regarding housing people with criminal histories.
- **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 history 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, advocates, or other individuals who are connecting people with criminal legal system histories to housing. See below for more information about building and leveraging trusting relationships.

<sup>1</sup> “Landlord” refers to property owners, property managers, and/or their agents who are responsible for screening potential tenants.

- **Look to the reentry support community to forge new connections.** Many communities have dedicated agencies or programs<sup>2</sup> — including organizations run by people with lived expertise in the reentry process — that help people transition during reentry. 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.

## Recommended Approach: Anticipate Criminal History Screening

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Service providers and other supporters 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.** During your work with clients, make sure to ask questions about criminal histories, always explaining why you are asking for this information and how it will be used.<sup>3</sup> If you determine that someone has a criminal record, with their permission, assist them in obtaining their criminal history records (such as their RAP<sup>4</sup> sheets.<sup>5</sup>) Review criminal records with your client and/or their attorney with the client's permission to confirm the records' accuracy.<sup>6</sup> Anticipating what may appear on a background check will help prepare the client to address a landlord's potential concerns.
- **Using your client's criminal history information, 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.

<sup>2</sup> For example, employment programs for people in reentry, substance use treatment programs, and criminal records expungement programs.

<sup>3</sup> For guidance on trauma-informed approaches, see Substance Abuse and Mental Health Services Administration. *SAMHSA's Concept of Trauma and Guidance for a Trauma-Informed Approach*. HHS Publication No. (SMA) 14-4884. Rockville, MD: Substance Abuse and Mental Health Services Administration, 2014; Guarino, K., Soares, P., Konnath, K., Clervil, R., and Bassuk, E. (2009). *Trauma-Informed Organizational Toolkit*. Rockville, MD: Center for Mental Health Services, Substance Abuse and Mental Health Services Administration, and the Daniels Fund, the National Child Traumatic Stress Network, and the W.K. Kellogg Foundation. Available at [www.homeless.samhsa.gov](http://www.homeless.samhsa.gov) and [www.familyhomelessness.org](http://www.familyhomelessness.org).

<sup>4</sup> "RAP" stands for Record of Arrests and Prosecutions.

<sup>5</sup> The process for obtaining a criminal history record varies by jurisdiction. See <https://oag.ca.gov/fingerprints/record-review> for guidance for California residents.

<sup>6</sup> See *California – DOJ RAP Sheet Guide* for guidance on how to read a RAP sheet, available at [https://cjei.cornell.edu/sites/default/files/inline-files/How to Read a California Department of Justice Criminal History Report %28RAP Sheet%29.pdf](https://cjei.cornell.edu/sites/default/files/inline-files/How%20to%20Read%20a%20California%20Department%20of%20Justice%20Criminal%20History%20Report%20-%20RAP%20Sheet%29.pdf). For information on fixing inaccuracies on a RAP sheet, visit the California Department of Justice website at [https://oag.ca.gov/fingerprints/security\\_faq](https://oag.ca.gov/fingerprints/security_faq).

- Letters from community members that speak to the client’s character and/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 substance use treatment program or a domestic violence intervention program.
- Evidence that a conviction was sealed, dismissed, vacated, expunged, or overturned on appeal, and therefore should not be considered.
- Letters of support demonstrating support networks and community connections, including volunteerism or community service.

If a landlord is very likely to run a criminal background check, your client may want to include a rental packet with the initial application materials.

- **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 history. Ensure your client is familiar with what information a landlord is allowed to consider when screening them for a housing unit.<sup>7</sup> 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 history information, be sure to obtain the client’s informed consent.

## Strategy 2: Overcome Hurdles

Challenges often arise when clients with criminal histories apply for housing. It is important to continue the conversation with the landlord 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.

<sup>7</sup> For example, the Fair Employment and Housing Act (FEHA) is a California civil rights law that prohibits housing and employment discrimination based on certain characteristics, such as race, color, or national origin. For more information, see State of California Department of Fair Employment and Housing, *Fair Housing and Criminal History FAQ (2020)*, available at [https://www.dfeh.ca.gov/wp-content/uploads/sites/32/2020/04/FairHousingCriminalHistoryFAQ\\_ENG.pdf](https://www.dfeh.ca.gov/wp-content/uploads/sites/32/2020/04/FairHousingCriminalHistoryFAQ_ENG.pdf).

Landlord Concern	Responses
Lack of Income	<ul style="list-style-type: none"> <li>• Explain that your client has a plan to secure employment and/or benefits, providing names of any programs or individuals providing assistance. (e.g., The client is in a welding program, where they will also receive help with job placement.)</li> <li>• 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.</li> </ul>
Safety	<ul style="list-style-type: none"> <li>• Provide documents that demonstrate how your client's conviction does not pose a safety risk. For example: <ul style="list-style-type: none"> <li>○ 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.)</li> <li>○ 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.</li> <li>○ 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.</li> </ul> </li> <li>• 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.</li> </ul>
Property Damage	<ul style="list-style-type: none"> <li>• Highlight any financial support your program can provide, including security deposits and landlord mitigation funds for repairs and other costs.</li> <li>• Offer to connect new landlords to existing landlords who can speak to your program's responsiveness.</li> </ul>

Landlord Concern	Responses
	<ul style="list-style-type: none"> <li>• 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.</li> <li>• 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.</li> </ul>
Long-Term Stability	<ul style="list-style-type: none"> <li>• Talk about the supportive services and case management that your program provides, and how it works to help clients maintain their housing.</li> <li>• Tell success stories about assisting people in reentry to obtain permanent housing.</li> <li>• Describe the client’s current support system, and how it is different and more effective than past networks.</li> </ul>

**Recommended Approach: 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.

## Links to Additional Resources

- [Homebase's Criminal Legal System Initiative website](#)
  - Website includes additional resources to support the housing needs of people impacted by the criminal legal system.
- [How to Read Your RAP Sheet](#)
  - A resource that helps people understand how to understand their criminal records (their "RAP sheets") in different states.
- [HUD's Guidebook on Landlord Incentives](#)
  - Although this guide is geared towards housing choice voucher programs, it provides helpful information about various forms of landlord incentives.
- [HUD's Landlord Engagement & Recruitment Desk Book](#)
  - HUD's guide to working with landlords, including practical templates and checklists that programs can use to improve their efforts.
- [HUD's "Landlord Engagement: Reset Your Community's Critical Partnerships During COVID Response"](#)
  - A quick overview of landlord engagement strategies, focused on working with landlords during the COVID-19 pandemic.
- [USICH's "Engaging Landlords: Risk Mitigation Funds - Community Profiles"](#)
  - A collection of communities that have successfully established risk mitigation funds to recruit and retain landlords.