

# Arrest & Conviction: A FAIR HOUSING GUIDE



## DO YOU HAVE AN ARREST RECORD?

Under the Illinois Human Rights Act, a housing provider cannot discriminate against you based on an **arrest that did not lead to a conviction, a juvenile record, or any record information ordered expunged, sealed, or impounded.**

If you have been denied or otherwise removed from housing due to an arrest not leading to a conviction or another covered record, you can **send a letter of self-advocacy** (see page 2) or reach out to your local fair housing organization. Find a fair housing organization here:

[hud.gov/program\\_offices/fair\\_housing\\_equality\\_opp/contact\\_fhip](https://hud.gov/program_offices/fair_housing_equality_opp/contact_fhip)

## WHO IS PROTECTED?

Everyone in the United States is protected from discrimination in housing based on their:

- Race
- Color
- Religion
- Sex\*
- National origin
- Disability
- Familial Status\*\*

Illinois offers additional protections for:

- Ancestry
- Pregnancy
- Sexual Orientation
- Gender Identity
- Order of Protection Status
- Age (40+)
- Military Status
- Arrest Record
- Source of Income
- Immigration Status\*\*\*

Cook County also offers additional protections:

- Housing Status
- Caste
- Ethnicity
- Bodily Autonomy
- Covered criminal history\*\*\*\*

\*includes sexual harassment

\*\*includes pregnancy status

\*\*\*beginning 1/1/2024

\*\*\*\*As per the Just Housing Amendment [cookcountyil.gov/content/just-housing-amendment-human-rights-ordinance](https://cookcountyil.gov/content/just-housing-amendment-human-rights-ordinance)

# DO YOU HAVE A PREVIOUS CONVICTION RECORD?

Housing providers should take an individualized approach when evaluating your record. Blanket “no conviction” bans without consideration of individual circumstances are discriminatory. If a housing provider denies you based on a conviction, they must be able to show that your particular record indicates a risk to resident safety and/or property.

Housing providers should consider and allow you the opportunity to discuss things like:

1. The nature and severity of the conviction
2. The amount of time that has passed
3. Any evidence of rehabilitation efforts
4. Any tenant history before and/or after the conviction

View the full guidance from the US Department of Housing and Urban Development (HUD) at [hud.gov](http://hud.gov) (dated [April 4, 2016](#) & [June, 10 2022](#))

If you have been denied or otherwise removed from housing due to your conviction record, *you have options*. You can **send a letter of self-advocacy** or reach out to your local fair housing organization (see page 1).

Self-advocacy letters: [hopefair.org/toolkits](https://hopefair.org/toolkits)



## FILING A COMPLAINT

If you believe you have faced housing discrimination, you have the option to file a complaint. Reach out to HOPE for filing assistance. You can file **within one year from the last act of discrimination** with:

The Illinois Department of Human Rights (IDHR)  
[dhr.illinois.gov/filing-a-charge/housing.html](https://dhr.illinois.gov/filing-a-charge/housing.html)  
or (312) 814-6200 / (866) 740-3953 (TTY).

US Department of Housing and Urban Development (HUD)  
[hud.gov/fairhousing/fileacomplaint](https://hud.gov/fairhousing/fileacomplaint)  
or (312) 913-8453 / (312) 353-7143 (TTY)

If you live in Cook County, you have additional rights under the [Just Housing Amendment](#). File a complaint at: <https://www.cookcountyil.gov/service/complaint-filing-and-investigation> or (312) 603-1100

