

Navigating Public Housing with an Arrest and Conviction Record:

A FAIR HOUSING GUIDE



What is Federally Assisted (Public) Housing?

The **U.S. Department of Housing and Urban Development (HUD)** administers Federal aid to local government agencies, also known as Public Housing Agencies or Authorities, to provide housing that is safe, decent and affordable to families with low incomes, the elderly, and persons with disabilities. According to HUD, there are approximately 970,000 households living in federally assisted housing units, managed by about 3,300 Public Housing Agencies. (*hud.gov* 2025)

Can I be denied public housing if I have a conviction record?

A Public Housing Agency can deny an application for federally assisted housing due to a conviction record only if:

- Federal law requires the denial
- The conviction directly relates to a risk to the health, safety, or peaceful enjoyment of other tenants. A record alone does not prove such a risk.

This guide focuses on special considerations for applicants and residents of federally assisted housing in the State of Illinois. To learn more about state and federal protections for individuals with arrest & conviction records in both private and federally assisted housing, please review **Arrest & Conviction: A Fair Housing Guide**.



hopefair.org/toolkits

What can I do if I have been denied?

If you have been denied or otherwise removed from housing due to a conviction record, you have options.

HOPE Fair Housing Center has created a self-advocacy letter you can fill out and send to the Public Housing Agency.



bit.ly/PHA-ArrestandConviction



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What do I need to know if I'm applying for federally assisted housing with an arrest and/or conviction record?

Under the **Housing Authorities Act**, a Public Housing Agency will **not** consider the following when determining eligibility for federally assisted housing, unless required by federal law:

- An arrest or detention
- Charges or indictments that did not lead to a conviction
- A conviction that has been cleared or sealed by a court
- Matters under the Illinois Juvenile Court's jurisdiction
- The amount of time passed since the applicant or household member completed their sentence or was released from prison or jail
- Convictions that happened more than 180 days before the application is reviewed

See 310 ILCS 10/25.

HOUSING DENIAL PROCESS

Notification Before Denial

Before denying someone federally assisted housing due to a conviction record, the housing authority must:

1. **Give a written notice** explaining:
 - Why the record needs more review
 - Whether the concern is due to federal law or a perceived risk to others' safety or peaceful living.
2. **List the specific convictions** that led to the possible denial.
3. Tell the applicant they have the right to an **individualized criminal records assessment hearing** to review the decision.
4. **Explain what will happen** at that hearing.
5. **Inform the applicant** that if they do not participate in the hearing, their application will be denied.
6. **Provide a copy** of the report used in the decision.

Criminal Records Assessment Hearing

If an applicant's housing application is under review due to a conviction record, they have the right to a hearing where they can:

- Dispute errors in the record.
- Argue that the record shouldn't affect their housing application.
- Show evidence of rehabilitation or reasons the conviction shouldn't matter.

The housing unit in question cannot be rented to anyone else until a final decision is made after the hearing.

See 310 ILCS 10/25.

