



DRUG ENFORCEMENT AND POLICY CENTER

Applying for Private Housing with a Criminal Record in Ohio

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This guide aims to provide general guidance and tips to people with criminal history who are looking to access private housing, such as renting an apartment or a house from a private entity or individual. This guide does not apply to those seeking public housing assistance, where public funding is used to pay all or part of someone's housing.¹

Tips for those with criminal history

1. UNDERSTAND THE LAW SURROUNDING PRIVATE HOUSING

If you have convictions on your record, property owners and managers (landlords) may be able to deny you a housing opportunity. However, they should not deny you a housing opportunity if you were arrested but not convicted.² Additionally, federal law and related guidance prohibit property owners and managers from automatically denying housing based on criminal convictions. In other words, property owners and managers should consider each applicant on a case-by-case basis and take into account factors like your age at the time a crime was committed, good behavior, and how long ago the conviction occurred.³ Keep in mind that shared housing and roommate situations may be governed by different standards of law.⁴

¹ But see Legal Aid Society of Columbus, https://opd.ohio.gov/static/Law%20Library/Training/OPD%20Training%20Materials/2021%20Virtual%20Legal%20Summit/November/Housing_Collateral_Consequences_Presentation-Melissa_Benson.pdf; and U.S. Department of Housing and Urban Development, https://www.hud.gov/press/press_releases_media_advisories/hud_no_23_083 for general information and updates about public housing and criminal history.

² See generally Helen R. Kanovsky, General Counsel, U.S. Department of Housing and Urban Development, "Office of General Counsel Guidance on Application of Fair Housing Act Standards to the Use of Criminal Records by Providers of Housing and Real Estate-Related Transactions" (April 4, 2016), https://www.hud.gov/sites/documents/HUD_OGCGUIDAPPFHASTANDCR.PDF. See also <https://www.hud.gov/sites/dfiles/FHEO/documents/Implementation%20of%20OGC%20Guidance%20on%20Application%20of%20FHA%20Standards%20to%20the%20Use%20of%20Criminal%20Records%20-%20June%2010%202022.pdf>.

³ See Ohio Department of Developmental Disabilities, <https://dodd.ohio.gov/about-us/communication/news/news-guidance-hud-criminal-records>.

⁴ See Leasure, Peter, R. Caleb Doyle, Hunter M. Boehme, and Gary Zhang. "Criminal History, Race, and Housing Type: An Experimental Audit of Housing Outcomes." *Criminal Justice and Behavior* 49, no. 10 (2022): 1536-1553.

2. CONSIDER SEEKING A RIGHTS RESTORATION MECHANISM

Ohio law offers a variety of ways to restore your rights. These mechanisms include certificates of rehabilitation (CQEs and CQHs), record sealing or expungement, and pardon. Each mechanism has unique eligibility requirements, so it is best to reach out to your local court, legal aid society, or an attorney for help.

Note that there are now two certificates of rehabilitation in Ohio. One is focused on employment and the other on housing.⁵ The certificate of qualification for housing (CQH) may be particularly useful for housing, as this mechanism provides landlords with immunity if they are sued for leasing to someone with criminal convictions.⁶ Additionally, the certificate of qualification for housing is available to individuals with criminal histories that are not eligible for sealing or expungement.⁷

For more information on Ohio criminal record relief options, including links to free legal resources, visit go.osu.edu/ohio-rights-restoration.

3. REACH OUT TO THE PROPERTY OWNER OR MANAGER BEFORE APPLYING

In a study published in 2022 that focused on Ohio, the authors found that “several of the managers seemed willing to answer qualification questions without first asking the applicant to apply.”⁸ In other words, if you have criminal history, you may want to reach out to property owners and managers before submitting a formal housing application—it could save you from paying a fee for an application that would inevitably be denied. Note that some property owners and managers may not want to answer qualification questions without a formal application.

4. CONSIDER ALL TYPES OF PROPERTIES

People with criminal history who are seeking private housing should consider all types of housing options, including single-family homes and multiple-family homes and apartments. While some research shows that people with criminal history were more likely to receive “positive responses”⁹ when they reached out regarding multiple-family apartments, responses regarding rental of single-family homes were very similar (24% for multiple-family homes and 18% for single-family homes).¹⁰ Research has shown that safety and liability are common reasons that people with criminal history are denied a private housing opportunity.¹¹ That means

⁵ See Leasure, Peter, Commentary on Ohio's New Certificate of Qualification for Housing (August 13, 2024). Ohio State Legal Studies Research Paper No. 876, Available at SSRN: <https://ssrn.com/abstract=4925875> for important differences between the two statutes.

⁶ See Ohio Revised Code Section 2953.26 (F).

⁷ See Ohio Revised Code Section 2953.26 (B).

⁸ Leasure, Peter, R. Caleb Doyle, Hunter M. Boehme, and Gary Zhang. "Criminal History, Race, and Housing Type: An Experimental Audit of Housing Outcomes." *Criminal Justice and Behavior* 49, no. 10 (2022): 1536-1553.

⁹ “Positive responses included those that stated the property was available, those that invited the applicant to continue in the application process, those that asked for additional information, and those that directed the applicant to other properties because the current property had been rented.” See Leasure, Peter, R. Caleb Doyle, Hunter M. Boehme, and Gary Zhang. "Criminal History, Race, and Housing Type: An Experimental Audit of Housing Outcomes." *Criminal Justice and Behavior* 49, no. 10 (2022): 1536-1553.

¹⁰ See Leasure, Peter, R. Caleb Doyle, Hunter M. Boehme, and Gary Zhang. "Criminal History, Race, and Housing Type: An Experimental Audit of Housing Outcomes." *Criminal Justice and Behavior* 49, no. 10 (2022): 1536-1553.

¹¹ Clark, L. M. (2007). Landlord attitudes toward renting to released offenders. *Federal Probation*, 71(3), 20–30; Helfgott, J. (1997). Ex-offender needs versus community opportunity in Seattle, Washington. *Federal Probation*, 61, 12–24.

if you have criminal history, you may be more likely to secure a single-family property where safety of other residents is not a prominent concern.

5. BE HONEST ABOUT YOUR CONVICTIONS

Applicants with criminal history should consider sharing their full criminal history early in the application process. Previous research conducted in Ohio shows that upfront honesty about your criminal history can positively impact a private housing search. In one study, the authors found the following:

[S]everal property managers noted that they appreciated the applicant's up-front disclosure of the criminal history. For example, a manager stated, "Yes the property is still available and thanks for the being sincere with us." Another manager stated, "Oh I got your email and thought about it, it's not going to be a problem giving out my property to someone who's admitted and being truthful that he's got a felony rather [than] being exposed during the tenant background check."¹²

It is important to note that some research shows that taking responsibility for your convictions, rather than providing an excuse ("It was not my fault, I was at the wrong place at the right time"), can also lead to better outcomes.¹³

6. PRESENT POSITIVE FACTORS EARLY IN THE APPLICATION PROCESS

Some research indicates that positive achievements and demonstrated stability may reduce the negative impact of convictions during a private housing search, especially when this information is provided early in the application process.¹⁴ For example, applicants can note long periods of crime-free behavior, stable employment (including any promotions or awards), good credit ratings, earnings that could satisfy rental requirements, successful substance use treatment or therapy, volunteer work, educational or licensure achievements, positive rental references, and the lack of other debt or financial obligations.

To view the references used to create this document, visit go.osu.edu/depc-housing.

¹² See Leasure, Peter, R. Caleb Doyle, Hunter M. Boehme, and Gary Zhang. "Criminal History, Race, and Housing Type: An Experimental Audit of Housing Outcomes." *Criminal Justice and Behavior* 49, no. 10 (2022): 1536-1553.

¹³ See Ali, A. A., Lyons, B. J., & Ryan, A. M. (2017). Managing a perilous stigma: Ex-offenders' use of reparative impression management tactics in hiring contexts. *Journal of Applied Psychology*, 102(9), 1271.

¹⁴ See Leasure, Peter, R. Caleb Doyle, Hunter M. Boehme, and Gary Zhang. "Criminal History, Race, and Housing Type: An Experimental Audit of Housing Outcomes." *Criminal Justice and Behavior* 49, no. 10 (2022): 1536-1553.