



"How should housing providers evaluate applicants to ensure compliance with Cook County law on criminal history and housing?"

Any housing provider can follow the simple steps below to comply with Cook County law



1

Before asking about criminal background, determine if the applicant meets other qualifications.

- Standard qualifications (e.g. financial, landlord references) may be used.
- If the applicant is not qualified, the application can be denied on that basis.

2

If the applicant is qualified, the housing provider may then conduct a criminal background screen.*

- *NOTE: Most housing providers have no legal obligation to consider or ask about criminal background. Housing providers with legal obligations under federal or state law may follow applicable law.
- Any criminal history information obtained should be kept confidential and used only for the purpose of evaluating the applicant unless otherwise mandated by law.

3

Criminal history information may then be used to evaluate the applicant, following the guidelines below.

- Each applicant must be given an 'individualized assessment,' and not all information obtained through criminal background screens may be used. Please see the reverse page for more information.
- If the housing provider decides to accept the applicant, they may proceed as they normally would.
- If the housing provider decides to deny the applicant on the basis of criminal history, they must:
 - Provide the applicant with a copy of the background check(s) used, a copy of the tenant selection criteria, and an opportunity to dispute the accuracy and relevance of the criminal history.
 - Notify the applicant in writing of the reasons why the denial on the basis of criminal history is necessary to protect against risk to personal safety and/or property of others.

Please see reverse page for more information

"What information can housing providers use from an applicant's criminal background, and how is an 'individualized assessment' conducted?"

CANNOT USE

- ✘ Arrest record
- ✘ Charge or citation for an offense
- ✘ Participation in a diversion or deferral program
- ✘ Sealed, expunged, or pardoned record
- ✘ Juvenile record

CAN USE

- ✔ Conviction(s), after conducting an 'individualized assessment' by considering the following:
 - Nature, severity, and recency of the conviction;
 - Nature of sentencing;
 - Number of convictions;
 - Length of time since the most recent conviction;
 - Age at the time of the most recent conviction;
 - Evidence of rehabilitation (provided by the applicant, includes but is not limited to compliance with sentencing terms, court-issued good conduct certificates, employer recommendations, education or vocational training, completion or active participation in rehabilitative treatment, letters of recommendation);
 - Tenant history before and/or after the conviction.
- ✔ Current sex offender registration requirements
- ✔ Current child sex offender residency restriction

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