

# FAIR CHANCE FOR HOUSING

Starting January 1, 2025, people with conviction records have new protections when they apply for housing in New York City

## When can housing providers run a background check?

Most importantly, housing providers can choose NOT to do a background and be shielded from liability. If a housing provider chooses to use a background check, they must first review all relevant factors **except** for criminal history (for example, the applicant's credit score, income, tenant history, pets, etc.).

The housing provider pre-qualifies the potential tenant (or buyer in case of a home sale) and offers them a lease (or accepts their offer in a sale). They can then opt to conduct a background check.

## Do housing providers have to tell applicants if they're running a background check?

Yes. They must first notify the applicant that they are running the check and provide them with a copy of the city's fair chance housing notice.

Housing providers must also send the applicant any information or records they receive on their criminal background.

## Which convictions can housing providers still consider?

If a housing provider decides to conduct a background check, they can **only** consider:

- **Felony convictions** within **5 years**, and
- **Misdemeanor convictions** within **3 years**

The time frames start at date of release from incarceration, or date of sentence if no incarceration.

## Can the applicant fix errors or provide evidence of rehabilitation?

Yes. The applicant has up to 5 business days after receiving the background check to follow up with the housing provider to correct any inaccuracies or present any supplemental information. The housing provider cannot revoke the offer during this time.

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## Can a housing provider reject an applicant with recent convictions?

If a housing provider decides to reject an applicant based on their reviewable criminal history, they must **provide a written statement of the reason** for the rejection showing:

- Why the criminal history is relevant to a legitimate business interest of the property owner, and
- How any information submitted in support of the applicant's tenancy was taken into account.

## Are there any exemptions?

The following types of housing providers are **not** required to follow this law:

- Roommates – people who are renting a room (or rooms) while also residing in the same housing accommodation, or whose family members reside in the same housing accommodation.
- Apartments in a building that contains housing for two families or fewer, *if the building owner or members of the owner's family reside in one of the units.*
- Any entity required to deny housing to people convicted of specific offenses or required to do a background check by state or federal law or regulation, so long as they cite the law or regulation.

Housing providers are still allowed to check the federal and state sex offense registry and deny housing to a person on the registry if they follow the process above and provide notice and an opportunity to dispute the record and provide mitigating information.

## What if a housing provider doesn't follow the law?

Anyone who thinks that a housing provider has illegally discriminated against them can file a complaint with the New York City Commission on Human Rights. They can also file a private lawsuit. The Commission or the courts can require the housing provider to change their policies, provide compensation, or pay a penalty.

**More guidance and rules will be forthcoming. Sign up for updates at [FairChanceHousing.org](https://FairChanceHousing.org) to get alerts when new information is available.**