



Civil Rights Department

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Civil Rights Department Submits Comment Letter in Support of Federal Proposal to Reduce Barriers to Housing for People with Criminal Records

Provides specific recommendations and feedback to further strengthen the proposal based on California's experience supporting inclusive housing

SACRAMENTO – The California Civil Rights Department (CRD) today announced submitting a comment letter in support of the U.S. Department of Housing and Urban Development's (HUD) proposed regulations to reduce barriers to housing for people with criminal records. Under California law, housing providers are prohibited from implementing blanket bans on people with criminal histories, recognizing that such policies can result in unjustified discrimination against communities of color and barriers to successful rehabilitation. HUD's proposed regulations would bring federal law further into alignment with California's existing protections against discrimination on the basis of criminal history information. In the comment letter, CRD provides specific recommendations and feedback to further strengthen the proposal based on California's experience supporting inclusive housing, as well as enforcing the Fair Chance Act in the employment context.

"The federal government's proposed regulations to reduce barriers to housing are a critical step forward for civil rights across the country," **said CRD Director Kevin Kish**. "At a time when many hard-won protections are at risk, we are encouraged by HUD's current effort to help ensure everyone has a place they can call home. Access to housing is key to helping people who have criminal histories successfully reintegrate into and contribute to our communities."

HUD is the federal department tasked with implementing a range of national programs and laws meant to support fair access to housing across the country, including the housing choice voucher program — known as Section 8 — and other forms of housing assistance. CRD regularly works with HUD in the enforcement of state and federal civil rights laws that protect against discrimination in housing. Under the proposed regulations, HUD is seeking to minimize exclusions from certain federally funded housing programs and provide clear guidance at the national level with respect to the consideration of an individual's criminal history when applying for housing. For instance, the proposed regulations place important guardrails on how far back housing providers can go when considering an individual's criminal history, limit such considerations only to relevant criminal activity, and mandate individualized assessments of rental applicants.

In the comment letter in support of the proposed regulations, CRD encourages HUD, among other things, to:

- Require federally funded housing providers to give applicants an opportunity to dispute criminal records both in writing and alternative formats, such as in person.
- Provide housing providers with a sample letter for applicants that outlines in plain language their right to provide mitigating information in response to an adverse decision.
- Include additional examples of mitigating factors, such as whether the individual was a minor or young adult at the time of the conduct and the amount of time that has passed since the conviction.
- Consider adopting language similar to existing California regulations with respect to determining the relevancy of criminal history to a housing decision.
- Extend the proposed regulations to cover housing-choice and project-based voucher holders.

CRD is deeply committed to combatting discrimination on the basis of criminal history information. Earlier this year, CRD [issued more than 60 compliance notices](#) to correct discriminatory ads in housing and employment, including ads with language attempting to categorically bar people with criminal histories from applying. Last year, the department filed a [first-of-its-kind lawsuit](#) against Ralphs Grocery Company over alleged violations of the Fair Chance Act, which resulted in the unlawful denial of employment opportunities to hundreds of job applicants. CRD also [reached a \\$10,000 settlement](#) over an Inglewood apartment complex's alleged unlawful rejection of a prospective tenant on the basis of criminal history information. In October, CRD [launched a new monthly "Civil Rights 101" webinar series](#) to support increased awareness of state and federal civil rights protections, including with respect to criminal history. The department also recently developed an [online interactive guide](#) to help identify potential violations of the Fair Chance Act and maintains a toolkit to [help employers comply](#) with the law's requirements.

If you or someone you know has been the victim of discrimination, CRD may be able to assist you through its complaint process. General information about how to file a complaint is available [here](#). Information regarding California's protections against discrimination in housing is available [here](#). Specific guidance on the intersection of fair housing and criminal history is available [here](#) and [here](#).

A copy of the comment letter is available [here](#).

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The California Civil Rights Department (CRD) is the state agency charged with enforcing California's civil rights laws. CRD's mission is to protect the people of California from unlawful discrimination in employment, housing, public accommodations, and state-funded programs and activities, and from hate violence and human trafficking. For more information, visit calcivilrights.ca.gov.

