

HUD GUIDANCE:

- 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
- OFFICE OF GENERAL COUNSEL GUIDANCE ON FAIR HOUSING ACT PROTECTIONS FOR PERSONS WITH LIMITED ENGLISH PROFICIENCY

DISPARATE IMPACT:

When a facially neutral policy or practice has an adverse impact against any group based on race, national origin, color, religion, sex, familial status or disability when there is no legitimate, non-discriminatory business need for the policy or practice.

CRIMINAL HISTORY POLICY BEST PRACTICES:

- ✓ Have a written criminal history policy.
- ✓ Consistently apply the criminal history policy.
- ✓ Limit the criminal history lookback period.
- ✓ Do not consider arrest records.
- ✓ Avoid blanket bans.
- ✓ Take mitigating factors into consideration.

LIMITED ENGLISH PROFICIENCY (LEP)

BEST PRACTICES:

- ✓ Take advantage of free or low-cost language assistance services.
- ✓ Provide translated documents that are readily available.
- ✓ Enlist the assistance of multilingual staff.
- ✓ Provide LEP clients with additional time for translation.
- ✓ Allow an LEP client's family or friend to assist with translation and communication throughout the transaction.

NAR RESOURCES

- **REALTOR.ORG:**

- “Fair Housing Act: Criminal History-Based Practices and Policies” Guidance
 - <https://www.nar.realtor/articles/fair-housing-act-criminal-history-based-practices-and-policies>
- Window to the Law: Disparate Impact Liability and Fair Housing
 - <https://www.nar.realtor/videos/window-to-the-law-disparate-impact-liability-and-fair-housing>
- “What the Latest Fair Housing Guidance on Criminal Background Checks Means for Real Estate”
 - <https://www.nar.realtor/news-releases/2016/05/what-the-latest-fair-housing-guidance-on-criminal-background-checks-means-for-real-estate>

- **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
 - https://portal.hud.gov/hudportal/documents/huddoc?id=HUD_OGCGuidAppFHASandCR.pdf
- Office of General Counsel Guidance on Fair Housing Act Protections for Persons with Limited English Proficiency
 - <https://portal.hud.gov/hudportal/documents/huddoc?id=lepmemo091516.pdf>