

# Is “Crime-Free Housing” Unfairly Impacting Your Rental Opportunities?



Have you been convicted of a marijuana-related offense?

Many landlords who implement “crime-free housing” ordinances in Section 8 housing have a history of using these rules to disproportionately discourage Black renters by:

- Refusing to rent to applicants with a non-violent conviction or arrest on their record, even if the incident is years old.
- Evicting existing renters who may have a family member in the unit who was recently arrested, regardless of conviction.

Historically, Black people were nearly four times more likely to be arrested for marijuana possession than white people, despite roughly equal usage.<sup>1</sup> Prior marijuana arrests or convictions are actively keeping Black renters from securing housing.

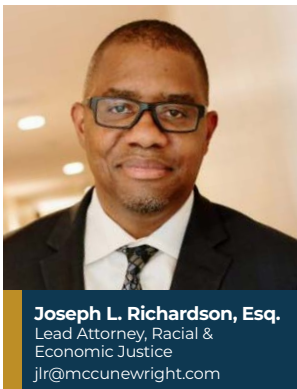
**Federal housing law does not allow landlords to adopt a blanket policy to refuse to rent based on a criminal record.** Landlords may only refuse to rent in limited circumstances, including when there is evidence that the tenant could pose a threat to the rental community.

Refusal to rent based on offenses such as marijuana possession charges is likely discriminatory and illegal.

If you have been denied rental opportunities due to a non-violent conviction or evicted due to the arrest of a family member, you may be a victim of discrimination and entitled to compensation.

<sup>1</sup> <https://www.aclu.org/gallery/marijuana-arrests-numbers>

**To learn more, please contact the Racial and Economic Justice Practice Group at McCune Wright Arevalo, LLP at 877-557-1250.**



**Joseph L. Richardson, Esq.**  
Lead Attorney, Racial & Economic Justice  
jlr@mccunewright.com



**Elaine S. Kusel, Esq.**  
Partner, McCune Wright Arevalo - New Jersey  
esk@mccunewright.com



**McCUNE • WRIGHT • AREVALO**  
ATTORNEYS AT LAW

**877-557-1250**

One Gateway Center, Suite 2600  
Newark, NJ 07102

