



Apartment Association of Southeastern Wisconsin

Advocating for Sustainable Rental Housing

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The **Apartment Association of Southeastern Wisconsin, Inc** (AASEW) supports repealing the **Thurmond Amendment**. Introduced in the 1988 Fair Housing Amendments Act, this amendment creates a lifetime exemption from Federal Fair Housing protections for individuals convicted of any drug distribution crime, no matter when the crime occurred or what the underlying conduct entailed.

Even possessing a small amount of marijuana with intent to distribute in Wisconsin could create a lifetime exemption from Federal Fair Housing protections. This contrasts with neighboring Illinois, where a similar amount of marijuana is legal.

As an organization representing over 500 rental housing professionals, AASEW's mission is to advocate for sustainable rental housing. The organization believes that owners need successful renters and strong communities to succeed.

In 2016, the U.S. Department of Housing and Urban Development (HUD) issued a memo requiring housing providers to distinguish between criminal conduct that indicates a demonstrable risk to resident safety and/or property and criminal conduct that does not. For all criminal convictions other than drug distribution, HUD requires an individual assessment, considering factors such as the nature of the crime, time since conviction, evidence of rehabilitation, rental history, and income. However, HUD allows blanket lifetime prohibitions on persons with drug distribution convictions, which some large owners and screening companies use for automatic denials without considering the circumstances. This is legal due to the Thurmond Amendment.

Owners screen for criminal convictions to avoid renting to people who may bring crime, drugs, or disruption to their properties. However, many studies show that people whose most recent conviction was five to seven years prior present a similar risk as the general population. AASEW believes successful reentry requires jobs and housing and recommends that its members review all criminal convictions, including drug convictions, similarly.

Repealing the Thurmond Amendment would treat drug distribution convictions similarly to most other criminal violations, allowing for a more uniform approach to criminal records screening in rental decisions. This would also eliminate the need for a patchwork of confusing state and local Fair Housing laws to address this issue.

Good renters deserve options in the rental market that align with their family's needs and wants. If a tenant qualifies for an apartment based on income, rental, and credit history, they should not be denied housing simply because of a conviction from decades ago.

Criminal history considerations in rental screening will remain a salient policy issue in the industry. AASEW believes policies guided by data and facts are necessary to protect good landlords and tenants while strengthening the communities housing providers serve.