

Another Shade of House Arrest:

Amending Fair Housing Protections to Include Drug Distribution Offenses

Situation

In 1988, Congress passed the Fair Housing Amendments Act that included an amendment by Sen. Strom Thurmond (S.C.) that excluded citizens convicted of the distribution of drugs from Fair Housing Protections. According to the Congressional Record, the Senator noted, “My amendment simply says that one conviction is sufficient for a landlord to refuse to rent to a drug dealer. It is that simple.” Adding further, “Drug dealers deserve no federal protection.” As a result, citizens who have paid their debt to society and turned their lives around can be permanently denied housing by landlords.

Background

Drugs

- Over 9 million people have been convicted of drug manufacturing offenses since 1988 and are now excluded from Fair Housing protections.
- In 2019 over 200,000 citizens were convicted of drug manufacturing charges.
- Drug convictions affect all of us. For instance, 68 percent of whites, 76 percent of blacks, and 83 percent of latinos incarcerated for drug crimes are behind bars for distribution.

Housing

- Formerly incarcerated people experience houselessness at a rate nearly 10 times that of the general population.
- In 2016 HUD issued guidance on the Application of Fair Housing Act Standards to the Use of Criminal Records by Providers of Housing, noting the many barriers faced by the formerly incarcerated. Nevertheless, they continued to exclude citizens convicted of drug distribution from Fair Housing Protections.

Reforms

- Recent criminal justice reforms such as the Second Chance Act, Fair Sentencing Act in 2010, First Step Act, and the FAFSA Simplification Act have made our communities safer by supporting prison re-entry, education, and job opportunities. At the same time, housing reform needs our attention.

Assessment

- Housing, or lack thereof, affects people with a criminal record. Gaining access to housing is a key component of reducing recidivism and building a future.
- Suspending Fair Housing protections for drug convictions has a disparate impact on people of color due to systemic discrimination in the criminal legal system.
- Nearly 50 percent of children have a parent with a criminal record which limits the schools they have access to and the neighborhoods where they can live.

Recommendations

- Amend the Fair Housing Act (Section 807 (b) (4)), which allows landlords to permanently ban renters convicted of the manufacturing and distribution of drugs.

Building Momentum: Strong Endorsements in Favor of Repealing The Thurmond Amendment

- National Housing Law Project, National Low Income Housing Coalition, National Fair Housing Alliance, National Community Reinvestment Coalition, Dream.org, Apartment Association of Southeastern Wisconsin, Wisconsin Apartment Association.

Impact of Current Legislation

In 1998, at 18, Yusuf Dahl was convicted of drug distribution. After serving 5 years in prison, he founded an affordable housing company and graduated with a master’s degree from Princeton University. Yusuf then taught Entrepreneurship at Lafayette College and founded, The Real Estate Lab, a program to help at-risk young adults become successful real estate entrepreneurs. Despite these professional achievements, his family was denied housing in 2022 because of his criminal past.



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