

# TIPS FOR GETTING APPROVED TO RENT

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## Don't let a criminal record stop you

If you have ever been arrested for anything more serious than a minor traffic violation, you probably have a criminal record. In fact, 1 out of 3 adults in the U.S. has been arrested. Many landlords and property management companies routinely do criminal background checks. Don't let this keep you from applying for housing if you can afford the rent and like the apartment. Here are some steps you can take to up your chances of getting apartment.

### *Know your record*

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Before you start applying for apartments, you need to know what shows up on your background check. You can get your records from the Illinois State Police, the Circuit Clerk in your county, or your "rap sheet" from your local police department. You'll get the most accurate information from the Illinois State Police "Statewide Criminal History Transcript." These are official records, so there may be a fee. In Chicago, you can pay a \$16 fee and get both the "Statewide Criminal History Transcript" and the Chicago Police Department Rap Sheet at the Chicago Police Department headquarters, 3510 S. Michigan Ave. Outside of Chicago, visit Illinois Legal Aid Online: <https://www.illinoislegalaid.org/legal-information/where-find-your-criminal-records> for tips on how to get your criminal record, or contact your local Police Department.



### *Clear your record*

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You might be able to **expunge** or **seal** some or all of your rap sheet so that records won't appear in a criminal background check. While Illinois still has some tough rules and hoops to go through, because of recent changes in the law it is now much easier to have some or all of your record expunged or sealed.

**Expungement:** Records are erased, destroyed physically and electronically. In most cases, no one, not even the police, can get the records.

**Sealing:** Records are hidden from public view. If your records are sealed, the police can get them, as can some employers like banks and schools, but not anyone in the public.

If you are successful in expunging or sealing all or part of your record, it will not show up when a landlord runs a criminal background check, and you do not need to report it when you fill out a housing application or when you talk to the landlord or agent for the building.

## For Immigrants:

If you are an immigrant, getting expungement could create problems with your immigration status. Please seek the advice of an immigration lawyer. If you need help finding a lawyer, the Illinois Coalition on Immigrant and Refugee Rights (ICIRR) provides a list of attorneys: [http://www.icirr.org/content/documents/attorney\\_referral.pdf](http://www.icirr.org/content/documents/attorney_referral.pdf).

## IMPORTANT:

If you were convicted for any of the 4 offenses listed to the right, you cannot have those records sealed, but you can now apply for the sealing of other convictions that may be on your record. All other felonies and misdemeanors, including burglary and manufacture or delivery of a controlled substance, can be sealed after the required wait periods have passed. Different felonies and misdemeanors have different wait periods.

Depending on the type of criminal record you have, there are different rules for sealing and expungement. For example, a person could expunge some of their record and seal other parts. In some situations, you may only be able to seal or expunge part of your record, but the fewer cases a landlord sees, the less you will need to explain.

Sealing and expungement are never automatic. If you are eligible to clear your record, a judge decides if you are allowed to do it. However, new Illinois state laws now make the process easier. These include ending some court fees for expungement in Cook County, expanding the types of offenses that can be sealed or expunged, and reducing the time you have to wait before applying to expunge. Filing fees can be waived if you qualify as low-income. These laws greatly increase the chances that you may qualify to have your records expunged or sealed.

## Expungement & Sealing

Juveniles under 18 years old **who have been charged but not convicted, can now immediately apply to have their records expunged after charges are dropped.**

For adults, some expungement court fees have been removed and the list of types of records that can be expunged has been expanded. Additionally, a past conviction no longer bars you from getting other parts of your record expunged.

**You are now eligible to apply for expungement if:**

1. You were arrested but not charged with a crime.
2. You were charged with a crime, but had those charges dropped or reversed.
3. You were given court-ordered supervision or certain forms of probation.
4. **Important to know:** You cannot have a criminal conviction expunged, but may be able to have it sealed.

### **Important note on Sealing:**

**Now, every felony is eligible for sealing, with only four exceptions (listed below).** If you have been convicted and sentenced for the following crimes, you **ARE NOT** eligible for sealing:

1. DUIs and Reckless driving
2. Animal Crimes
3. Sex Offense (except for prostitution and misdemeanor public indecency, which now can be sealed)
4. Domestic Battery and violations of orders of protection

*Where can I go for help with sealing or expunging my record and how long must I wait to apply?*

**If you were arrested and the case was dismissed, you can file to have your record expunged as soon as the case concludes.** If you were convicted, you may need to wait for three years after you completed your last sentence (after you finish probation or parole), depending on type of conviction, to file a petition to seal. However, if you received a degree, diploma or career certification during your last sentence, you can petition once your sentence ends. You can file for expungement or sealing of records yourself, but it can be complicated. Go to:

[http://www.illinoiscourts.gov/Forms/approved/expungement/ExpungementSealing\\_Instructions\\_Approved.pdf](http://www.illinoiscourts.gov/Forms/approved/expungement/ExpungementSealing_Instructions_Approved.pdf) for a detailed explanation of how to expunge or seal your record. You can get *free legal assistance* from Cabrini Green Legal Aid (CGLA). CGLA has help desks at the Daley Center downtown and at the Markham Courthouse in the south suburbs. CGLA staff will tell you which documents you need to get, review your background, assess your eligibility, complete petitions, and help you through the filing process.

## TIPS FOR GETTING APPROVED FOR AN APARTMENT

Remember, if you are successful in expunging or sealing all or part of your record, it will not show up on a criminal background check, and you do not need to report it when you fill out a housing application or when you talk to the landlord or agent for the building.

If your records are not expunged or sealed, you should tell the truth about your criminal record if it comes up during the application process, and explain any positive changes you have made in your life since being convicted of a crime. When applying for an apartment:

- Explain any information on your record that is wrong. Sometimes background check companies give information to landlords that is not correct; have your rap sheet or other information with you to correct information that should not be there or should be sealed.
- If you were arrested but not charged, or if you were charged but not convicted, point that out. Many landlords will not understand your background check and may not know that you were not actually convicted of crime. Explain to the landlord or building agent that an arrest does not mean you have been found to have committed a crime.
- If you were convicted of a crime, show discharge papers that say that you complied with all the conditions of parole or probation.
- Get letters of recommendation from employers, community organizations, counselors or case managers, teachers, community or religious leaders, AA or NA sponsors, or parole and probation officers.
- Show you have pursued education since you were convicted, including G.E.D. or college classes, vocational or professional training.
- Show that you have participated in a rehabilitation or recovery program.

### IMPORTANT:

Landlords who automatically exclude applicants due to any contact with the criminal justice system, especially those who only have arrest records or those with older convictions, may violate civil rights laws. If you feel that a housing provider is violating those laws, you can contact an organization in the “getting help” section below.

### REPORT IT:

If you feel a landlord has discriminated against you because of your race, national origin, religion, sex or sexual orientation, physical and mental disability, familial status (or having or expecting children in the household), age (if you are older than 40), marital status, military discharge status, order of protections status, or source of income (including if you have a housing choice voucher) you can report this discrimination and seek legal help at the organizations below. Also, if a landlord denies your application because of an arrest with no conviction, or because of any criminal convictions, regardless of what it was or when it happened, or any evidence of rehabilitation, he or she may be violating the law.

## GETTING HELP: RESOURCES FOR YOU

- **Cabrini Green Legal Aid (CGLA)**

CGLA provides free legal and social supports in the areas of criminal records, criminal defense, housing, and family law. For assistance with sealing or expungement, or how to present your background, visit their Free Help Desks at the Daley Center and Markham Courthouse. For other questions, call them at 312-738-2452.

- **Chicago Legal Clinic**

Offers low cost, sliding scale legal services in English and Spanish. Offices in downtown Chicago and in the South Chicago, Pilsen and Austin communities. Go to <http://www.clclaw.org/clients> for a list of services offered, or call 773-731-1762.

- **Growing Home**

Growing Home is a job-training program serving individuals facing barriers to employment including those with criminal records. Growing Home combines paid hands-on training and experience on its USDA-certified organic farm in Chicago's Englewood neighborhood with job readiness classroom lessons and wraparound social services, including helping people with their criminal records. The farm and office are at 5814 S. Wood Street in Chicago. Call them at 773-414-7144

- **James B. Moran Center for Youth Advocacy**

The Moran Center provides integrated legal and social work services to Evanston youth, age 21 and younger. It represents young people in a variety of legal settings including juvenile court, adult criminal court, local municipal hearings, and in school special education and disciplinary matters. The Moran Center also offers criminal records expungement and sealing services. The Expungement and Sealing Help Desk at the Skokie Courthouse is open every Tuesday and Thursday from 10:00 a.m. to 12:00 noon. Everyone can receive free advice and legal assistance regardless of age or where they live.

- **Safer Foundation**

Safer helps people who have been caught up in the criminal justice system get a second chance, including job readiness, job placement, housing assistance and help with rent and utilities. They also have education and work release programs for those currently incarcerated. The main headquarters is located at 571 W. Jackson in Chicago. Call 312-922-2200.

### **Access Living**

Legal assistance, fair housing complaint intake, and testing investigation services for people with disabilities  
Service Area: City of Chicago  
Intake line: 312.640.2106  
TTY 312.640.2102

### **Chicago Lawyers' Committee for Civil Rights Under Law**

Full service fair housing complaint intake and testing investigation services for all protected classes.  
Service Area: City of Chicago  
312-630-9744  
<http://clccrul.org/getservices>

### **HOPE Fair Housing Center**

Full service fair housing complaint intake and testing investigation services for all protected classes  
Service Area: DuPage, and western Cook counties  
[info@hopefair.org](mailto:info@hopefair.org)  
630-690-6500, extension 119  
TTY: 630-690-6553

### **John Marshall Fair Housing Legal Support Center**

Full service fair housing complaint intake and testing investigation services for all protected classes  
Service Area: Entire Chicago metropolitan area  
312.987.2397  
[fairhousingcenter@jmls.edu](mailto:fairhousingcenter@jmls.edu)

### **Open Communities**

Full service fair housing complaint intake and testing investigation services for all protected classes  
Service Area: 16 north suburban communities, from Evanston to Highland Park and Lake Michigan to the I-294  
[info@open-communities.org](mailto:info@open-communities.org)  
(847) 501-5760

### **Prairie State Legal Services**

Full service fair housing complaint intake and testing investigation services for all protected classes  
Service Area: Lake, McHenry, Boone, Winnebago, Peoria, and Tazewell counties  
<http://pslegal.org/psls-apply-online.asp>  
855-347-7757

### **South Suburban Housing Center**

Full service fair housing complaint intake and testing investigation services for all protected classes  
Service Area: South Cook and eastern Will counties  
Michael Chavarria, [mchavarria@prodigy.net](mailto:mchavarria@prodigy.net)  
(708) 957-4674, x28