

**“You Are Not the Tenant I Am Looking For:” An Analysis of Landlords’ Responses to  
Rental Inquiries from Wrongfully Convicted Individuals**

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*Research suggests that formerly incarcerated individuals, and individuals belonging to racial minority groups, experience stigma and housing discrimination. The current study explored landlords’ attitudes and differential communications toward formerly incarcerated individuals – particularly wrongfully convicted individuals – of varying races. Using data from an experimental audit study, we examined the content of landlords’ email responses to rental inquiries from fictitious convicted and wrongfully convicted individuals, and members of the general public (i.e., control), who were either Black, Indigenous, or White. A content analysis revealed three main themes: 1) responding with courtesy; 2) probing for additional information; and 3) willingness to set up a viewing. Logistic regressions revealed that landlords were more likely to justify the rental’s unavailability, inquire about the renter’s financial stability and references, and to say they would follow up later when corresponding with convicted and wrongfully convicted individuals compared to control. Landlords were also more likely to ask White renters about their criminal history compared to Black and Indigenous renters. Surprisingly, individuals belonging to racial minority groups were not disadvantaged further in this data. The findings are discussed in the context of post-incarceration support.*

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## I Introduction

Although being released from prison is considered a triumph for wrongfully convicted individuals and their families, an exoneree's post-release experience is often fraught with new challenges and struggles, which ultimately impair their ability to successfully reintegrate into their communities (Westervelt & Cook, 2010). In addition to adjusting to technological and cultural changes, dealing with strained relationships and gaps in their work history, and working through feelings of frustration and injustice, exonerees typically do not receive services or programs to assist them with their reintegration (Clow, 2017; Weigand, 2008; Westervelt & Cook, 2010). This is in contrast to other formerly incarcerated individuals who often have access to post-release services such as psychological counseling, job training, and housing support - some of the most important services to ensure a successful reintegration (Seiter & Kadela, 2003). Moreover, many exonerees are individuals who belong to racial minority groups (National Registry of Exonerations, 2021). In the U.S., Black individuals represent 13% of the U.S. population, but 33% of its prison population and 48% of the proportion of exonerees (Carson, 2018). Similarly, Indigenous individuals represent 4.3% of the Canadian population, but 27% of its prison population (Department of Justice Canada, 2017) and approximately 20% of the proportion of exonerees (Schuller et al., 2021). Due to the over-representation of Black and Indigenous individuals in the criminal justice system, the impact and intersectionality of race and criminal history cannot be overlooked.

### **A. Stigma**

The reintegration struggles that wrongfully convicted individuals face are further compounded by stigma, which hinders their ability to secure employment and housing post-release (Grounds, 2004; Roberts & Stanton, 2007; Westervelt & Cook, 2010). Goffman (1963) defined stigma as a discrediting attribute that reduces perceptions of an individual to the negativity surrounding this presumed flaw. Stigma is often discussed as a broad, all-encompassing attack on one's identity (Goffman, 1963), whereas prejudice refers to an attitude toward, or an evaluation about, an individual because they belong to a specific social category (Brewer & Brown, 1998), and is typically accompanied by feelings of dislike, fear, or contempt (Pager, 2003). Discrimination refers to the unequal and unjust treatment of groups, or members of a group, due to their social category or stigmatizing attribute (Heckman, 1998).

Scholars have suggested that a key component of prejudice is not merely negative emotional responses, but the intent to support power-based relations between stigmatized and non-stigmatized groups (i.e., prejudice leading to discrimination; Dovidio et al., 2010). This purported power imbalance is relevant to wrongfully convicted individuals who – due to their undeserved criminal label – may become the targets of prejudice in much the same way as their guilty counterparts (Clow et al., 2012).

### **B. Aversive Racism**

In contrast to blatant racism (i.e., direct threat or abuse), aversive racism leads to more indirect, socially adapted forms of prejudice that still disadvantage racial minorities (Dovidio et al., 2002). Racial stigma has been deeply ingrained in Canada and the U.S. for centuries, and through racism and other enactments of social inequity, individuals belonging to racial minority groups have long been placed in a subordinate role (Quillian, 2006). For example, a meta-analysis examining helping behaviour toward White and Black individuals revealed that discrimination against Black individuals was higher when participants could rationalize decisions not to help with reasons that were unrelated to race (e.g., when helping was lengthier, riskier, and more inconvenient; Saucier et al., 2005). These justifications were only implemented when the target was Black, however, suggesting that the true reason for the lack of helping behaviour was race (Saucier et al., 2005). In sum, stigma toward individuals from racial minority groups is often expressed in indirect ways that allow the prejudiced individual the illusion of being well-intentioned (Dovidio et al., 2002).

### **C. Criminal History Stigma**

Research has also demonstrated that criminal convictions are stigmatizing (e.g., Clow et al., 2012; Moore et al., 2016; Pager, 2003). Formerly incarcerated individuals find their identity reduced to the label of “offender,” and consequently find that community members are distrustful of, and prefer a larger social distance from, them (Clear et al., 2001; Clow et al., 2012). Although there is far less literature on exoneree reintegration, the extant research suggests that wrongfully convicted individuals may encounter the same prejudices post-release (Clow et al., 2012; Vollen & Eggers, 2005). For example, Clow and Leach (2015) found that participants reported more negative evaluations of, and a stronger desire for social distance from, both convicted and

wrongfully convicted individuals compared to members of the general public. Moreover, Blandisi et al. (2015) found that some interviewees – who claimed not to be prejudiced – used language indicative of othering and out-grouping when speaking about wrongfully convicted individuals. Thompson et al. (2011), however, found that wrongfully convicted individuals were more stigmatized compared to the average individual, but that convicted individuals were stigmatized most of all. Thus, it is unclear whether the prejudices directed toward convicted individuals are similarly applied to wrongfully convicted individuals, or if these groups encounter different levels or types of prejudice. The current study examined whether rightfully and wrongfully convicted individuals of varying races experience similar stigmatization and prejudices in their attempts to obtain housing post-release.

#### **D. Housing Difficulties**

Having a stable place to live ensures one's safety and security and is considered a basic human need (Maslow, 1943). Unfortunately, racial minority groups experience discrimination in their attempts to obtain housing (e.g., Doble & Lindsay, 2003; Novac et al., 2004; Ondrich et al., 2003; Pager & Shepherd, 2008; Yinger, 1998). Studies conducted in Canada have found evidence of landlords who are less willing to rent to Indigenous and Black renters, compared to White renters (Novac et al., 2004). Similarly, research has demonstrated widespread housing discrimination in the U.S. against Black, Hispanic, and Asian renters, compared to White renters (Ondrich et al., 1999). For example, the Department of Housing and Urban Development applied a paired-testing methodology in 28 metropolitan areas in the U.S. and found that – in comparison to White renters – Black, Asian, and Hispanic renters were informed about, and shown, fewer homes and apartments by real-estate agents and rental property owners (Turner et al., 2013). Moreover, in experimental audit studies, email inquiries sent to landlords received significantly fewer positive responses when the emails were sent from renters with stereotypical Black names, compared to stereotypical White names (e.g., Carpusor & Loges, 2006; Ewens et al., 2014). These findings suggest that landlords avoid renting to individuals from racial minority groups, or at the very least, minimize interactions with racial minority members, consequently reducing their opportunities to obtain housing.

Individuals with a criminal history also face housing discrimination (e.g., Dum et al., 2017). Research has demonstrated that, along with employment, housing is the strongest predictor of successful reintegration for those who were formerly incarcerated (LeBel, 2017). Yet, these individuals are often required to disclose their criminal history on housing applications, thereby increasing the visibility of their stigmatized status (Jacobs & Larrauri, 2012; Thacher, 2008). Evans and Porter (2015) had researchers pose as prospective tenants, either with or without a criminal record (child molestation, statutory rape, or drug trafficking), and call landlords to inquire about the availability of an apartment. Results demonstrated that landlords were significantly less likely to offer a viewing to individuals with a criminal record, particularly those convicted of child molestation, compared to those without a criminal record. In addition, Major et al. (2002) found that 64.3% of formerly incarcerated individuals reported being rejected for housing sometimes or often. Together, these studies demonstrate that acquiring housing post-release is indeed an issue for individuals with a criminal history.

Wrongfully convicted individuals similarly report difficulties securing housing post-release (Chunias & Aufgang, 2008). As financial compensation is not immediately (if ever) accessible to wrongfully convicted individuals, many experience financial difficulties that preclude home ownership (Weigand 2008; Westervelt & Cook, 2010). Moreover, because their criminal records are neither immediately nor automatically expunged, many wrongfully convicted individuals must seek housing with an erroneous criminal record (Shlosberg et al., 2014). In interviews with 115 wrongfully convicted individuals, approximately half reported that they were dependent upon families, friends – or even lawyers – for housing support (Roberts & Stanton, 2007). In a recent study by Kukucka et al. (2021), researchers sent rental email inquiries across the U.S. from individuals who were supposedly either convicted, wrongfully convicted (self-described as “exonerated,” “wrongfully convicted,” or “innocent”) or had no criminal history. Results revealed that both convicted and wrongfully convicted individuals (regardless of label) were less likely to receive a response from landlords than those without a criminal history. Similarly in Canada, across two studies, Zannella et al. (2020) found that fictitious renters who were convicted and wrongfully convicted individuals were significantly less likely to receive a response from a landlord in comparison to those without a criminal record.

The consequences of having a criminal history – whether one actually committed a crime or not – may be compounded for individuals belonging to racial minority groups who have historically faced additional hardships (Pager, 2003). In particular, research suggests that Black individuals may pay a higher penalty for having a criminal record compared to White individuals (e.g., Pager, 2007; Pager et al., 2009). For example, Pager et al. (2009) had pairs of Black and White individuals apply for low-wage jobs, with one of the two applicants having a criminal record. Results demonstrated that employers strongly disfavoured applicants with a criminal record, and that the penalty of the criminal record was especially large (i.e., roughly double the size) for Black applicants. Moreover, they found that Black applicants were less often invited to interview and were therefore disadvantaged in their ability to establish an in-person rapport with the employer. In contrast, Evans et al. (2019) asked Black, Latinx and White male and female researchers to pose as prospective tenants with or without a criminal history (drug trafficking, statutory rape, or child molestation) and to call landlords and property managers to inquire about renting an apartment. Although the prospective tenants’ race did not significantly impact landlords’ decisions in the study, the authors hypothesized that the criminal records – which did impact responses – might have outweighed any potential effects of race (Evans et al., 2019).

Although research has established that landlords are less willing to rent to individuals with a criminal history (e.g., Doble & Lindsay 2003; Ondrich et al., 2003) and to individuals from racial minority groups (e.g., Carpusor & Loges, 2006; Ewens et al., 2014), research has only begun to explore the intersectionality of these stigmas (e.g., Evans et al., 2019) and how wrongful conviction fits in (Kukucka et al., 2021). Quantitative audit studies that rely on dichotomous outcome variables (e.g., Hanson et al., 2011) are valuable, however they risk underestimating the amount of prejudice and discrimination that stigmatized groups face insofar as they do not account for instances of subtle discrimination. Accordingly, our aim is to look beyond the general patterns of housing discrimination to investigate the communication patterns that precede a landlords’ rental decision. Research by Kukucka et al. (2021) demonstrated that landlords were less likely to tell convicted and wrongfully convicted individuals that an apartment was available, and more likely to mention a background check. Relatedly, Hanson et al. (2011) found that the same

landlords replied more quickly, were more likely to use descriptive, formal, and polite language when describing the unit, and were more likely to invite further correspondence and opportunities for viewing, when replying to emails from someone with a stereotypical White name than a stereotypical Black name. Evidently, these email communications represent a rich source of qualitative data that can shed light on landlords' attitudes toward stigmatized renters. The current study examines landlords' responses to rental inquiries from wrongfully convicted individuals, compared to convicted and non-convicted individuals of various races, in the hopes of gaining a nuanced insight into landlords' housing discrimination toward these groups.

## II Current Study

The current study builds upon these initial forays into landlords' communications with stigmatized renters. Specifically, we conducted an inductive content analysis of the e-mail discourse between landlords and prospective tenants (White, Black, Indigenous; convicted, wrongfully convicted, no criminal history) obtained through an experimental audit design (see Zannella et al., 2020). We had two goals: first, to gain a more nuanced understanding of the difficulties that convicted and wrongfully convicted individuals – particularly those who are Black and Indigenous – face in their attempts to secure housing post-release; and second, to examine whether our themes significantly differed across our groups, demonstrating differential prejudices toward these groups. To accomplish this goal, we tested whether our control groups (no criminal history; White) were advantaged over our stigmatized groups (convicted and wrongfully convicted; Black and Indigenous). Next, we tested whether landlords responded differently to our stigmatized groups (i.e., general prejudiced responses vs. specific prejudiced responses) by comparing landlords' responses to convicted versus wrongfully convicted renters, and Black versus Indigenous renters.

## III Method

The current paper is a content analysis of data collected as part of a larger experimental audit study (Zannella et al., 2020). Researchers responded to a total of 1,107 Kijiji (analogous to Craigslist) apartment listings across Canada to inquire about the availability of a one-bedroom apartment. The design was a 3 (criminal history: wrongfully convicted, convicted, control) x 3 race (Black, Indigenous, White) between-subjects design. Email inquiries were ostensibly written from an individual who was convicted, wrongfully convicted, or had no criminal history, who was either Black, Indigenous, or White. Cities were chosen to represent the overall population of Canada (Statistics Canada, 2016), with more emails sent to larger cities than smaller cities in proportion to their populations. Using systematic random sampling, we responded to every third listing aside from the following exclusion criteria: listings posted by property management and real estate companies (i.e., because of policies to respond to all inquiries; Hogan & Berry, 2011); listings with explicit renter preferences (e.g., “students only”); and listings that would not respond to email inquiries (e.g., “call to set up a viewing”). The 3x3 design of the study necessitated that we contact at least nine apartment postings in each location. We inquired in multiples of nine to ensure equal representation of our conditions within each location – based on each location's percentage of the Canadian population. For example, if a city represented 0.5% or less of the

Canadian population, we sent an inquiry to nine apartment listings; for locations that represented 0.5-1% of the population, we sent 18 e-mail inquiries. We repeated this pattern for every 0.5% increase in the population. For example, our largest city, the Greater Toronto Area, which represents 15.4% of the Canadian population, equated to sending 279 rental inquiries in this location.

The content of the email inquiry was identical across conditions (“Hello, my name is [insert name], and I am interested in your rental at [insert location]. I do have a job and can pay first and last month’s rent. Is the place still available? Thanks, [insert name]”) with the exception of our independent variables. The names of the prospective renters served as the race manipulation, with each name appearing twice in the email, as well as in the email address itself.<sup>1</sup> For criminal history, we added an additional sentence to convey that the tenant was either convicted (“I want to tell you up front, I have a criminal record, I did something stupid, served my time, and finished parole”) or wrongfully convicted (“I want to tell you up front, I have a criminal record, I didn’t do it, I was wrongfully convicted, and DNA has exonerated me”).

### A. Content Analysis

Of the 1,107 listings that we responded to, we received a total of 554 replies (50.2%; see Table 1 for landlord response rates by group). We first conducted an inductive content analysis (i.e., a flexible analytic coding method that emphasizes emergent themes and patterns in qualitative data; Thomas & Harden, 2008) of all the landlords’ responses. One coder, unaware of the research goals, independently coded the landlords’ replies, such that each phrase or idea in each of the responses was coded into mutually exclusive and exhaustive codes. Then, through discussions with one of the researchers, the initial codes were grouped into more manageable sub-themes. Afterward, the coders sorted the data into three final overarching themes (each with respective sub-themes): 1) responding with courtesy; 2) probing for additional information; and 3) willingness to set up a viewing.

**Table 1.** Number of landlord responses per group

		Criminal History			Total
		Control	Convicted	Wrongfully convicted	
Race	White	98	71	40	209
	Black	89	55	41	185
	Indigenous	83	41	36	160
Total		270	117	167	554

<sup>1</sup> Pilot participants ( $n = 28$ ) rated, on a scale from 1 (*not at all*) to 5 (*extremely*), the stereotypicality of 15 names. We used the names with the highest means for the intended racial group (Black: Tyrone Lewis,  $M = 4.93$ ; Indigenous: Downhowee Musquash,  $M = 4.5$ ; White: Matthew Smith,  $M = 4.96$ ).

Under the *responding with courtesy* theme, coders noted the presence or absence of: (a) landlords' justifying why the rental was not available (e.g., stating that the rental was pending or that they were reviewing or waiting on another application, providing detailed explanations about who the unit was rented to or why it was no longer available, noting that there were many other prospective renters interested in the unit); (b) landlords' expressing empathy (e.g., mentioning that the criminal record was not a problem, thanking the renter for being upfront about their criminal history); and (c) landlords' communicating politely and professionally (e.g., with a greeting, sign off, thank you, apology). Under the *probing for additional information* theme, coders noted whether landlords asked the prospective tenants about their: (a) criminal history, (b) financial stability, or (c) references. Under the *willingness to set up a viewing* theme, coders noted whether (a) landlords set up a viewing, (b) offered an accommodating time to visit (e.g., provided numerous times slots to view the apartment or asked the renter what time works best for them), or (c) suggested that they would follow up with the renter at a later date. See Table 2 for descriptions of the initial codes, sub-themes, themes, quotes, and inter-rater reliability scores.

**Table 2.** Themes, sub-themes, and codes, quotes, and inter-rater agreement

Themes	Sub-themes	Codes	Quotes	Inter-rater agreement (Cohen's kappa)
Responding with courtesy	Justifying unavailability	Did the landlord: -State that the rental is pending? -Mention that they are another application? -Mention other interested tenants? -State that the rental has already been rented out to another tenant? -Say that they would let the renter know if the apartment becomes available	-“Looks like it may be rented by someone who came last night to view it. I am just waiting on the deposit” -“My niece just moved into the unit today and not sure how long she will be here, as she is having cancer surgery tomorrow... So no idea when it will be available now.” -"I have about 5 people ahead of you and it looks like it may be rented by someone who came last night to view it”	$\kappa = .970$



Expressing empathy	Did the landlord: -Say that a criminal record is not an issue? -Thank the renter for being upfront and honest about their criminal history? -Say that they were sorry for what the renter went through? -Express that people deserve second chances?	-“A criminal record is not an issue for me” -“Thank you for being totally open and upfront with your background” -“Everyone makes mistakes and I believe we all need second chances!” -“Good luck in your search, I am sure it is not easy”	$\kappa = .992$
Professional communication	Did the landlord: -Say hello / good morning / good afternoon? -Include a sign off? -Includes the renter’s name in the response? -Wish the renter well? -Thank the renter for the email inquiry?	-“Hi there!” -“Good morning!” -“Kind regards” -“Warmest regards!” -“Thank you for your interest,” -“Sorry for not getting back to you sooner”	$\kappa = .984$
Probing for additional information	Criminal history Did the landlord: -Ask for a background check? -Ask for details about the renter’s criminal history?	-“Can I ask what your offence was for?” -“Can I ask how long you served” -“A criminal record check is required to secure the apartment”	$\kappa = 1.000$
Financial stability	Did the landlord -Inquire about the renter’s job? -Mention a security deposit? -Mention a credit report? -Ask for proof of income?	-“It is required that you have 10 posted dated cheques” -“I require an employment confirmation and proof of income”	$\kappa = 1.000$
References	- Did the landlord request references?	-“I require a rental reference. Can you provide those?”	$\kappa = 1.000$

Willingness to set up a viewing	Offering an accommodating time frame	<ul style="list-style-type: none"> <li>- Did the landlord ask the renter what time works best for a viewing?</li> <li>- Did the landlord suggest numerous availabilities for a viewing?</li> </ul>	<p>- "I will be showing it on Saturday between noon-2pm - would a time in that window work for you? If not, are there other times / days that would work for you? After 5:30 most evenings, and some time on Sunday after 2pm"</p> <p>- "Do you want to schedule a viewing? Let me know your availability."</p>	$\kappa = .953$
	Suggesting a follow-up	<ul style="list-style-type: none"> <li>- Did the landlord suggest that they would get back to the renter at another time?</li> </ul>	<p>- "I will know around 6:30pm today if she's taking it... I can let you know as soon as I find out"</p> <p>- "We are currently screening a potential tenant right now, but if that falls through, we will be going down the list of people we have seen. If none of them work out, I will send you a message"</p>	$\kappa = 1.000$

#### IV Results

We conducted a series of logistic regressions to determine whether the presence of these nine sub-themes varied among our groups. We conducted logistic regression analyses on each sub-theme, using criminal history, race, and a possible criminal history by race interaction, as predictors. We used Helmert contrasts to examine whether landlords communicated differently with our stigmatized groups (convicted and wrongfully convicted; Black and Indigenous) compared to our controls (no criminal history; White). We also examined whether landlords responded differently to our stigmatized groups by comparing their responses to convicted versus wrongfully convicted renters, and Black versus Indigenous renters. The criminal history by race interaction terms did not improve the overall model fit. The interaction term was only significant

is one of the analyses;<sup>2</sup> therefore, we interpreted the models with main effects only. See Table 3 for a summary of the results.

**Table 3.** Qualitative and quantitative data

Final Themes	Sub-themes	# of present codes	Percentages	Logistic regression statistics
Responding with courtesy	Justifying unavailability			
	Control	29	10.7%	(1) $X^2(1, N = 554) = 22.67$ , $\text{Exp}(B) = .321$ , $p < .001$
	Convicted	33	26.3%	
	Wrongfully convicted	44	28.2%	(2) $X^2(1, N = 554) = .120$ , $p = .729$
	White	42	20.1%	$X^2(1, N = 554) = .208$ , $p = .901$
	Black	34	18.4%	
	Indigenous	30	18.8%	
	Expressing empathy			
	Convicted	37	37.7%	$X^2(1, N = 284) = 1.120$ , $p = .290$
	Wrongfully convicted	63	31.6%	
White	36	32.4%	$X^2(1, N = 554) = 3.376$ , $p = .159$	
Black	41	42%		
Indigenous	36	29.8%		
Professional communication				
Control	180	66.7%	$X^2(1, N = 554) = 4.783$ , $p = .092$	
Convicted	126	75.5%		
Wrongfully convicted	76	64.9%	$X^2(1, N = 554) = 10.783$ , $p = .088$	
White	153	73.2%		
Black	135	72.9%		
Indigenous	94	58.7%		

<sup>2</sup> The criminal history by race interaction was significant for professional communication, Wald's  $X^2(4, N = 553) = 9.582$ ,  $p < .05$ .

Probing for additional information	Financial stability			
	Control	20	7.4%	(1) $X^2(1, N = 554) = 4.58$ , $\text{Exp}(B) = .501$ , $p < .05$
	Convicted	23	13.8%	
	Wrongfully convicted	20	17.1%	(2) $X^2(1, N = 554) = .589$ , $p = .443$
	White	28	13.4%	$X^2(1, N = 554) = 1.53$ , $p = .465$
	Black	20	10.8%	
	Indigenous	15	9.4%	
	Criminal history			
	Convicted	12	7.8%	$X^2(1, N = 284) = 3.161$ , $p = .075$
	Wrongfully convicted	16	13.6%	
	White	19	17.1%	(1) $X^2(1, N = 284) = 9.85$ , $\text{Exp}(B) = 7.745$ , $p < .05$
	Black	7	7.3%	
	Indigenous	2	2.6%	(2) $X^2(1, N = 554) = 1.75$ , $p = .186$
References				
Control		1.1%	$X^2(1, N = 554) = 9.93$ , $\text{Exp}(B) = .145$ , $p < .05$	
Convicted		7.2%		
Wrongfully convicted		7.7%		
White		6.2%	$X^2(1, N = 554) = 2.788$ , $p = .248$	
Black		3.2%		
Indigenous		3.1%		
Willingness to set up a viewing	Offering an accommodating time frame			
	Control	52	19.2%	(1) $X^2(1, N = 554) = 17.42$ , $\text{Exp}(B) = 3.269$ , $p < .001$
	Convicted	9	5.3%	
	Wrongfully convicted	10	8.5%	(2) $X^2(1, N = 554) = 1.08$ , $p = .298$
	White	27	12.9%	

Black	25	13.5%	$X^2 (1, N = 554) = .209, p = .901.$
Indigenous	19	11.8%	
Suggesting a follow-up			
Control	8	3%	(1) $X^2 (1, N = 554) = 7.961, \text{Exp}(B) = .306, p < .05$
Convicted	8	12%	
Wrongfully convicted	20	6.8%	(2) $X^2 (1, N = 554) = 1.99, p = .158$
White	11	5.3%	$X^2 (1, N = 554) = 1.315, p = .518$
Black	15	8.1%	
Indigenous	10	6.2%	

Note: We conducted logistic regression with Helmert contrasts. For criminal history, we compared control versus wrongfully convicted and convicted individuals (contrast 1) and wrongfully convicted versus convicted individuals (contrast 2). For race, we compared White renters versus Black and Indigenous renters (contrast 1) and Black versus Indigenous renters (contrast 2).

### A. Justifying Unavailability

Some landlords noted that they were unable to rent the apartment to the prospective renter and provided a justification for why the rental was not available. Results demonstrated that justifying unavailability differed across the criminal history groups. Landlords were 3.12 times more likely to justify the rental's unavailability to wrongfully convicted individuals (28.2%) and convicted individuals (26.3%), compared to control (10.7%),  $X^2 (1, N = 554) = 22.67, \text{Exp}(B) = .321, p < .001, 95\% \text{ CI } [.20, .51]$ ; convicted and wrongfully convicted individuals did not significantly differ from one another,  $X^2 (1, N = 284) = .120, p = .729$ . Race, however, did not significantly impact landlords' likelihood of justifying the rental's unavailability (White: 20.1%; Black: 18.4%; Indigenous: 18.8%),  $X^2 (1, N = 554) = .208, p = .901$ .

### B. Expressing Empathy<sup>3</sup>

Some landlords expressed empathy toward the renter's experience with the criminal justice system, acknowledging that what the renter had gone through was difficult or thanking them for their transparency. Neither criminal history (wrongfully convicted: 31.6%; convicted: 37.7%),  $X^2 (1, N = 284) = 1.120, p = .290$ , nor race (White: 32.4%, Black: 42%; Indigenous: 29.8%),  $X^2 (1, N = 554) = 3.376, p = .159$ , impacted landlords' expression of empathy.

### C. Professional Communication

<sup>3</sup> Because rental inquiries from control did not mention involvement with the criminal justice system, the control group was excluded from this analysis.

Some landlords replied to the prospective renter in a professional and polite manner, including greetings, sign offs, thank yous and apologies in their responses. Criminal history (wrongfully convicted: 64.9%; convicted: 75.5%; control: 66.7%) did not impact landlords' professional communication,  $X^2(1, N = 554) = 4.783, p = .092$ . Race, however, did impact landlords' professional communication. Although there was no difference between landlords' professional communication with White (73.2%) and Black renters (72.9%),  $X^2(1, N = 554) = 2.918, p = .088$ , landlords were more likely to communicate professionally with Black and White renters compared to Indigenous renters (58.7%),  $X^2(1, N = 554) = 7.69, p < .05$ .

#### **D. Questions About Criminal History<sup>4</sup>**

Some landlords inquired further about the renter's criminal history, asking the renter specific questions about the crime and time spent in prison. Landlords did not probe wrongfully convicted individuals (13.6%) for information about criminal history significantly more often than convicted individuals (7.8%),  $X^2(1, N = 284) = 3.161, p = .075$ . Unexpectedly, however, landlords were 7.7 times more likely to ask White renters (17.1%) about their criminal history, compared to Black (7.3%) and Indigenous (2.6%) renters,  $X^2(1, N = 284) = 9.85, \text{Exp}(B) = 7.745, p < .05, 95\% \text{ CI } [1.76, 11.55]$ ; Black and Indigenous renters did not significantly differ from one another,  $X^2(1, N = 284) = 1.75, p = .186$ .

#### **E. Questions About Financial Stability**

Despite the fact that our emails specifically stated that the renter had a job and could pay first and last month's rent, some landlords inquired about the prospective renter's financial stability. Landlords' tendency to probe for information about financial stability differed across the criminal history groups. Landlords were 1.9 times more likely to ask wrongfully convicted individuals (17.1%) and convicted individuals (13.8%) about their financial stability, compared to control (7.4%),  $X^2(1, N = 554) = 4.58, \text{Exp}(B) = .501, p < .05, 95\% \text{ CI } [.25, .77]$ ; convicted and wrongfully convicted individuals did not significantly differ from one another,  $X^2(1, N = 284) = .589, p = .443$ . Race did not impact landlords' probing for information about financial stability (White: 13.4%; Black: 10.8%; Indigenous: 9.4%),  $X^2(1, N = 554) = 1.53, p = .465$ .

#### **F. Questions About References**

Some landlords asked the prospective renter to provide personal or professional references. Criminal history impacted landlords' decision to ask for references from prospective renters. Landlords were 6.9 times more likely to ask wrongfully convicted individuals (7.7%) and convicted individuals (7.2%) for references, compared to control (1.1%),  $X^2(1, N = 554) = 9.93, \text{Exp}(B) = .145, p < .05, 95\% \text{ CI } [.04, .48]$ ; convicted and wrongfully convicted individuals did not significantly differ,  $X^2(1, N = 284) = .026, p = .872$ . Race did not impact landlords' asking for references (White: 6.2%; Black: 3.2%, Indigenous: 3.1%),  $X^2(1, N = 554) = 2.79, p = .248$ .

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<sup>4</sup> Because rental inquiries from control did not mention involvement with the criminal justice system, the control group was excluded from this analysis.

### G. Setting Up a Viewing

Some landlords expressed a willingness to set up a viewing of the apartment. We found that landlords were 2.2 times less likely to offer a viewing to wrongfully convicted (19.7%) and convicted (22.8%) individuals compared to control (36.3%),  $X^2(1, N = 554) = 14.88$ ,  $\text{Exp}(B) = 2.12$ ,  $p < .001$ , 95% CI [1.45, 3.11]; convicted and wrongfully convicted individuals did not differ from one another,  $X^2(1, N = 284) = .391$ ,  $p = .532$ . Race did not impact landlords' willingness to offer a viewing (White: 30.1%; Black: 26.5%; Indigenous: 29.4%),  $X^2(1, N = 554) = .691$ ,  $p = .708$ .

### H. Offering an Accommodating Time Frame

Some landlords provided prospective renters with flexible time frames to view the rental, offering several options and time slots or asking the renter what worked best for them. Criminal history impacted landlords' willingness to offer prospective renters an accommodating time frame. Landlords were 3.3 times more likely to offer an accommodating time frame to control (19.2%), compared to wrongfully convicted (8.5%) and convicted (5.3%) individuals,  $X^2(1, N = 554) = 17.42$ ,  $\text{Exp}(B) = 3.269$ ,  $p < .001$ , 95% CI [1.88, 5.701], but wrongfully convicted and convicted individuals did not significantly differ from one another,  $X^2(1, N = 284) = 1.08$ ,  $p = .298$ . Race did not impact landlords' willingness to offer prospective renters an accommodating time frame (White: 12.9%; Black: 13.5%; Indigenous: 11.8%),  $X^2(1, N = 554) = .209$ ,  $p = .901$ .

### I. Suggesting a Follow-Up

Some landlords stated that they would get back to the renter at a later date (i.e., implying that they would have an answer about the rental then). Landlords were 3.3 times more likely to suggest a follow up to wrongfully convicted (6.8%) and convicted (12%) individuals, compared to control (3%),  $X^2(1, N = 554) = 7.961$ ,  $\text{Exp}(B) = .306$ ,  $p < .05$ , 95% CI [.134, .696]; convicted and wrongfully convicted individuals did not significantly differ from each other,  $X^2(1, N = 284) = 1.99$ ,  $p = .158$ . Race did not impact landlords' willingness to suggest a follow-up to prospective renters (White: 5.3%; Black: 8.1%; Indigenous: 6.2%),  $X^2(1, N = 554) = 1.315$ ,  $p = .518$ . It is worth noting that, although some landlords suggested that they would follow up with the renter, none of the landlords did.

## V Discussion

Prior research has demonstrated housing discrimination toward individuals with a criminal history (e.g., Evans & Porter, 2015; Kukucka et al., 2021) and individuals belonging to racial minority groups (e.g., Carpusor & Loges, 2006; Hanson et al., 2011). The current findings extend this research by analyzing landlords' initial written correspondence with potential renters. Despite a number of messages that were written without greetings (e.g., "it's rented") or which were short and abrupt ("phone number please?"), other messages were more personable and empathetic. For example, many landlords thanked individuals who were convicted and wrongfully convicted for their honesty (e.g., "Thank you for your honesty and sorry to hear about the problem you had")

and some went so far as to say things like “everyone makes mistakes” and “we all need second chances.” Landlords were equally empathetic to convicted and wrongly convicted renters, and landlords did not respond significantly differently to convicted and wrongfully convicted individuals across all of our analyses.

Unexpectedly, landlords were equally likely to correspond professionally with convicted, wrongfully convicted individuals and those without a criminal record. This might reflect a general belief that all people should be treated with a basic level of respect. Alternatively, landlords might be using email templates that include polite and professional verbiage. If that is the case, removing polite phrases from a response might represent a more blatant form of prejudice than landlords were willing to show as they would have to confront their own prejudices. We did, however, find that landlords were more likely to provide lengthy justifications for why the rental was not available (e.g., explain who the rental was being rented to, or emphasize the number of other interested renters), and less likely to mention viewing the unit (and to provide fewer flexible options for viewing), when the renter mentioned being convicted or wrongfully convicted. Landlords rarely indicated the prospective renter’s criminal history as the reason for this (though a few did); however, because this theme emerged significantly more often for convicted and wrongfully convicted individuals compared to control, it can be inferred that criminal history was indeed a factor for these differences in communication. Perhaps as landlords felt they could attribute the unavailability to something else, they did not feel they were being prejudiced; and yet, these excuses did not emerge in the control condition.

Furst and Evans (2016) reported that the majority of the real estate agents in their study disclosed criminal history as the reason why the owner or landlord was less likely to consider renting to the prospective tenant. Moreover, they found that, when interacting with convicted individuals, real estate agents tended to defer the rental decision to the landlord. Real estate agents, who act as a liaison between a renter and a property owner, can shift blame onto the landlord if the rental inquiry is denied. Landlords, on the other hand, are solely responsible for providing a rental decision to prospective renters and may therefore be more motivated to provide socially acceptable justifications for the rental’s unavailability. Contemporary forms of prejudice are typically expressed in indirect ways that can be explained away as unrelated to the actual stigma (Dovidio et al., 2002), perhaps by claiming a family member wants to rent the unit or that the landlord is waiting on a deposit from another interested renter -- whether or not that is actually the case. In addition, most individuals believe themselves to be fair and just, and may therefore make excuses that seem reasonable to disguise their prejudicial attitudes (Sedikides & Strube, 1995). We are not purporting that every landlord who provided an excuse was lying (though none of the landlords who promised to follow-up later did) or prejudiced; however, several landlords, when responding to individuals with a criminal record – even a wrongful conviction – clearly felt motivated to explain why their apartments were no longer available and/or to provide very few viewing options.

Moreover, we found that landlords were more likely to ask convicted and wrongfully convicted individuals about their financial stability and references, compared to control. Previous research suggests that individuals perceive convicted and wrongfully convicted individuals more negatively and as less competent and sincere than others (Clow & Leach, 2015). This may account for why landlords questioned these prospective renters more about their ability to pay rent – even though our initial inquiry explicitly stated that the individual could pay first and last month’s rent.



It is also possible that landlords' probing for additional information may be a result of comprehension goals, which encompass the need to understand events (Jones & Thibaut, 1958) and form coherent and educated impressions of others (Heider, 1958). Comprehension goals predict that individuals who are motivated to control their prejudice may work to gain more information about a target in order to make an informed decision that is not based on stigmatized group information, but rather on individuated knowledge garnered from a specific person. For example, DeWitt and Denver (2020) found that a supportive reference letter from a former employer mitigated much of the stigma from a criminal record, suggesting that asking prospective tenants for this information can provide relief from the negative consequences of a criminal record. Accordingly, the landlords in our study may have probed convicted and wrongfully convicted individuals for additional individuating information in order to make more informed and individuated (and less biased) rental decisions, which was not necessary in the control condition, as individuals were not characterized by a stigmatized status.

Surprisingly, we only found two significant differences driven by race. First, we found that landlords were more likely to ask White renters about their criminal history compared to Black and Indigenous renters. As posited by Pager et al. (2009), positive interactions and conversations are key to establishing a positive rapport between a candidate and employer. These conversations provide an opportunity to present personalizing information about the applicant's work ethic and commitment to rehabilitation and open the door for the employer to generate new perceptions of the candidate (Pager et al., 2009). In Pager et al.'s (2009) study, they found that employers were reluctant to discuss criminal history with any of the candidates; however, the penalty associated with the lack of discussion was far more consequential for the Black candidates (75% fewer callbacks) compared to the White candidates (30% fewer callbacks). In our study, landlords were more likely to ask White renters about their criminal history compared to Black and Indigenous renters, providing White renters with more opportunities to provide individuating information and provide context for their criminal involvement. If landlords who are concerned about the criminal record among Black and Indigenous renters choose to remain silent about the issue, these applicants will ultimately have fewer opportunities to address or defuse the employer's concerns (Pager et al., 2009). Relatedly, it is possible that the landlords in our study refrained from asking the Black and Indigenous renters about their criminal history to avoid appearing racist. This line of reasoning is consistent with previous research suggesting that individuals ask fewer questions of stereotyped targets (Trobe & Thompson, 1997).

Alternatively, it is possible that our landlords were more willing to consider renting their units to White individuals with criminal histories – contingent upon the nature of the crime. This is consistent with Pager (2003) who found that employers favored White individuals with criminal records over Black individuals without criminal records. Research suggests that the public is less punitive toward non-violent offenders and those they view as 'redeemable' (Cullen et al., 2000), but our findings may suggest that this applies to White individuals more than others. Moreover, it is possible that, compared to Black and Indigenous renters (Mitchell et al., 2005), White renters may not fit landlords' stereotypes of 'offenders,' and that landlords may be more willing to discount their criminal records, viewing them more as isolated incidents rather than as evidence of their internal disposition (Pager, 2003).

We also found that landlords were less likely to communicate professionally with Indigenous renters compared to Black and White renters. This result is consistent with theories of aversive racism which suggests that individuals may disadvantage racial minorities in more indirect and subtle forms (Dovidio et al., 2002). Because many aversive racists are unaware of their implicit biases, these biases can affect subtle behaviours, such as communication patterns, that they may not recognize as discriminatory (Dovidio et al., 2002). Accordingly, instead of being outwardly prejudicial or rude, landlords in our study were more likely to communicate in a harsher and less polite manner when interacting with Indigenous renters, compared to Black and White renters. In doing so, landlords may leave a negative impression with the renter or stifle the opportunity for further conversation altogether, in turn reducing the chances for the Indigenous renter to ultimately rent the unit.

The paucity of significant race findings was surprising, but consistent with Evans et al. (2019) who found no differences in housing discrimination between racial minority and non-minority renters when taking criminal history into account. It is also consistent with the idea that the effect of a criminal history may be more disadvantaging than racial stigma because of its direct association with negative traits and behaviours (e.g., violence, incompetence, dishonesty; Pager et al., 2009). Alternatively, it is possible that the brief, written nature of e-mail communications were an insufficient medium to detect racial prejudice, or that in-person or verbal interactions (which do not leave a paper trail) might yield more flagrant instances of racial prejudice.

Because race was almost completely overshadowed by criminal history, we were not able to explore potential effects of intersectionality. It is possible that criminal history was the more aversive stigma, or that racial prejudices might emerge later in the rental process. Moreover, as individuals express prejudice to the extent that they see it as appropriate or normative within their social context (Crandall et al., 2002), landlords may feel more comfortable displaying prejudice toward individuals with a criminal history, compared to renters belonging to racial minority groups (e.g., one is covered by anti-discrimination laws whereas the other is not).

### **A. Policy Implications**

Our findings suggest that convicted and wrongfully convicted individuals experience prejudice and discrimination in their attempts to secure housing upon release. In an effort to reduce barriers to reintegration for individuals with a criminal history, many jurisdictions in the U.S. have passed the 'Ban the Box' initiative, which is designed to remove the check box on job applications that ask applicants to disclose whether they have a criminal record (Agan & Starr, 2018). These policies are intended to end the cycle of incarceration by promoting access to employment for formerly incarcerated individuals (Agan & Starr, 2018). At this time, The Fair Housing Act prohibits discrimination in housing based on categories such as race and disability, but not criminal history. Accordingly, criminal background checks are often used as screening criteria for rental housing and have become a significant barrier to obtaining housing. As such, the findings from the research, and others, might suggest expanding the Ban the Box initiative to rental applications as well.

Prejudice reduction and anti-stigma approaches aim to expose individuals to counter-stereotypical information about a stigmatized group with the goal of correcting misinformation or

challenging negative attitudes (McBride, 2015). Facilitating contact between in-group and out-group members can also improve attitudes by replacing in-group ignorance with first-hand knowledge that disconfirms stereotypes (Lee et al., 2004). Allport's (1954) contact hypothesis emphasizes face-to-face interaction and positive cooperation under optimal conditions of shared goals, equal status, and the absence of competition to reduce prejudice (Pettigrew & Tropp, 2006). Thus, facilitating the public's – and by extension landlords' – positive interactions with individuals with a criminal history, particularly wrongfully convicted individuals, should reduce their level of prejudice, and ultimately reduce housing discrimination.

### **B. Limitations and Future Directions**

There are a few limitations to this study that should be acknowledged. First, our study focuses on the responses of landlords in Canada who chose to list their rental unit on a particular online classified website (i.e., Kijiji). Accordingly, it is unclear whether our findings would generalize to larger property management companies or other landlords who do not use classified advertising to find tenants for their properties. Although our sample was representative of the Canadian population, our sample was not large enough to explore population differences across provinces and territories, and future research in this area could offer a more well-rounded understanding of the discrimination that formerly incarcerated individuals experience in their attempts to secure housing. Our findings are consistent with Kukucka et al.'s (2021) research on housing discrimination toward exonerates conducted in the U.S., as well as Evans and Porter's (2015) research investigating housing discrimination against racial minorities with criminal histories in the U.S. That said, given that cultural norms and housing policies vary across jurisdictions and countries, further research and replication in this area is warranted.

Past research has demonstrated greater racial discrimination during in-person interactions compared to online interactions (e.g., Decker et al., 2015). Because our study was conducted online via Kijiji, it is possible that our race manipulation was not as salient as it might have been had the study been conducted over the phone or in person. Although the tenant names were pilot tested for racial stereotypicality, it is possible that the many null results of race could be attributed to the subtle way that race was manipulated in the present study (i.e., via email addresses and signatures). Future research could explore the existence of greater housing discrimination when convicted and wrongfully convicted individuals of different racial backgrounds meet landlords in-person to view the apartment.

Moreover, the present study manipulated criminal history by explicitly disclosing the prospective tenant's criminal past in the initial rental inquiry sent to landlords. In real-world settings, however, individuals with a criminal record may choose to disclose information at a different stage in the rental process: for example, when asked directly by a landlord, once a background check is requested, or alternatively, they may choose not to disclose this information at all. As such, it is possible that the decision to introduce this information within the prospective tenant's first interaction with a landlord may somewhat compromise the ecological validity of the study. With this said, research supports that landlord often request information such as a background check or credit score within the first instances of communication (Thacher, 2008) and therefore, attempts to intentionally conceal a criminal record would likely be counterproductive, as it would reasonably exacerbate landlords' concerns about a prospective tenant's moral

ineptitude (Anazodo et al., 2017). In the wrongful conviction condition, in particular, the prospective renter asserted their innocence without providing any formal documentation – a scenario which mirrors the real-life struggle that many wrongfully convicted individuals face when attempting to secure housing. Because a majority of wrongfully convicted individuals do not receive documented proof of their innocence (Campbell, 2018) and often do not have their convictions expunged (Shlosberg et al., 2014), they are often required to assert their innocence without any formal documentation in housing and employment settings. Providing such documentation might be an interesting avenue for future work in this area. However, given the lack of proof of innocence currently in Canada, we feel that the way that criminal history was manipulated in the current study allowed us to maintain a high degree of experimental control while also approximating the experience of formerly incarcerated individuals.

In addition, while our study provides insight into the nature of landlords' responses to prospective renters, it is limited to analyzing the communication patterns that demonstrate prejudice, but not why this prejudice exists in the first place. Further, we cannot speak to any demographics or individual differences that contribute to this prejudice, as we did not collect identifying information from prospective landlords. Having said this, future researchers may wish to include measures designed to assess the intentions behind landlords' responses to prospective renters, and to collect landlord demographics, though doing so might reduce the ecological validity of the study.

## VI Conclusion

Apart from employment, securing housing is the most important component of successful reintegration for individuals post-incarceration (Seiter & Kadela, 2003). In an attempt to obtain housing, a landlord in our study told a supposedly prospective renter who disclosed being wrongfully convicted that “you are not the tenant I am looking for.” A content analysis of landlords' email responses demonstrated that they were more likely to justify the apartment not being available and less likely to offer a viewing to convicted and wrongfully convicted individuals. Despite their innocence, wrongfully convicted individuals are stigmatized and in need of housing support – as well as additional reintegration support that they currently lack in Canada and elsewhere – to rebuild their lives after the atrocities of these miscarriages of justice. Although the effects of race are well-documented in the housing literature, we found few differences in landlords' communication patterns based on tenants' race in our study, possibly suggesting that racial discrimination occurs later in the rental process or that it is more effectively disguised by landlords compared to their reactions to individuals with a criminal history.

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