

FREQUENTLY ASKED QUESTIONS: THE FAIR FUTURE ACT

1. WHAT IS THE THURMOND AMENDMENT?

The Thurmond Amendment is a provision added to the 1988 Fair Housing Amendments Act that excludes individuals with drug selling convictions from protection under the Fair Housing Act. As a result, the Thurmond Amendment makes it impossible for someone with a drug distribution conviction to be protected if a housing provider—or the automated screening tools they use—denies them housing based solely on that conviction without considering other typical measures used to assess tenant risk, such as income, credit score, rental history, or evidence of rehabilitation.

2. WHAT DOES THE FAIR FUTURE ACT DO?

The Fair Future Act repeals the Thurmond Amendment and restores Fair Housing protections to individuals with past drug distribution felony or misdemeanor convictions. It ensures that people with a prior drug distribution conviction are treated like all other individuals with criminal records in the housing market—affording them the civil rights guaranteed to all other Americans.

3. DOES THE FAIR FUTURE ACT FORCE LANDLORDS TO RENT TO PEOPLE WITH DRUG CONVICTIONS?

No, The Fair Future Act does not require landlords to rent to anyone; it simply ensures that applicants with drug distribution convictions are not automatically excluded from consideration and fair housing protections. If the Fair Future Act were implemented into law, landlords would still retain the discretion to evaluate applicants based on legitimate criteria such as income, rental history, and creditworthiness.

4. WHO ARE THE LEADS ON THE FAIR FUTURE ACT?

The Fair Future Act is being led by Senator Cory Booker. Efforts are currently underway to secure Republican co-leads to ensure the bill is reintroduced in the 119th Congress with strong bipartisan support.

5. WHO IS IMPACTED BY THE THURMOND AMENDMENT?

Conservative estimates suggest that more than 3 million Americans are affected by the Thurmond Amendment. Forthcoming research from Dr. Jessica T Simes of Boston University shows that many of these individuals were convicted for low-level quantities, indicating that the policy often punishes those struggling with addiction rather than targeting major traffickers.

- In Ohio, nearly 36% of all drug distribution arrests involved marijuana.
- In Pennsylvania, the most commonly charged quantity for drug distribution was less than 1 gram—about a third the size of a sugar packet.
- In Wisconsin, approximately 81% of all cocaine distribution convictions involved amounts typically associated with personal use.

These data points highlight how the Thurmond Amendment disproportionately harms people with substance use disorders—undermining their recovery and public safety.

6. WHY IS HOUSING STABILITY IMPORTANT FOR PUBLIC SAFETY?

Stable housing is one of the most effective tools we have for reducing recidivism. When individuals have a secure place to live, they are significantly more likely to find and maintain employment, pursue education, and build healthier, more stable lives. In contrast, housing insecurity increases the risk of re-incarceration and homelessness. Simply put, housing stability doesn't just support personal success—it makes communities safer.

7. WHO SUPPORTS THE FAIR FUTURE ACT?

The Fair Future Act has strong bipartisan appeal and is backed by a broad coalition of supporters—including housing industry associations, criminal justice reform organizations, and re-entry providers. Supporters include the National Association of Real Estate Brokers, the Wisconsin Realtors Association, the Apartment Association of Southeastern Wisconsin, the Ohio Apartment Association, Americans for Prosperity, R Street Institute, Drug Policy Alliance, and Dream.org.