

	Screening Criteria Policy Components	Previous Discussion	Additional Discussion
2	Applications		
2.a, b, c	1. First-come first-served. Each applicant receives a date/time stamp, queue number, and receipt.	•	•
2.d	2. Applications must include: notice of right to reasonable accommodations, notice of rights in harbor languages, and a description of the screening criteria.	•	•
2.e	3. Landlords with less than 50 units can reject applicants who have had prior lease violations with them in the past year.	<ul style="list-style-type: none"> • 50 units is arbitrary, should refer only to ownership to respect LLC separation. • Tenants rent where they can afford. In practice, this is limited by both rent cost and location. Some pockets of town may have certain rental type largely owned by one landlord, this provision would effectively displace the tenant from that area. 	•
2.f, g	4. Applicants with a mobility disability receive preference during the first 24 hours to units that are at least 60% ADA compliant.	• We should be clear that this is information the tenant must provide, the landlord should not be expected to ask about mobility disabilities.	•
2.h	5. Waitlists are exempt from this section's requirements if they use first-come first-served, notice of rights, and ADA preference requirements to create the waitlist.	• Exempt lotteries if they are administered by the Housing Bureau.	•
3	Advertisements	•	•
3.a, b	6. Ads must include Screening criteria, or a link to them. If a unit is 60% or more ADA compliant, that must be included in advertisement.	•	•

3.c	7. Any advertised units that can only be applied for in person must advertise a week before the pick-up/submission date.	•	•
4	Identification		
4.a	8. All of the following are considered acceptable forms of identification: SSN, Alien Registrations Card, Immigrant Visa, ITIN, Non-Immigrant Visa, any government-issued ID, or any non-government issued ID that allows screening for both credit and criminal history.	• ITIN is used for business identification which makes it a confusing choice for individual identification.	•
4.b	9. An application can't be rejected for lack of a SSN.	•	•
4.c	10. Landlords cannot ask about immigration status or ask applicants to prove citizenship.	•	•
5	Income		
5.a	11. A landlord cannot require income of more than 2 times rent.	<ul style="list-style-type: none"> • Tenants already struggle to pay rent. 3x income is ideal, but with the gap between income and rent, where are tenants who have to pay more than 1/3 their income in rent supposed to live? Tenants must be allowed to make their own financial decisions. • Would prefer to see 1.5x rent for low income seniors • Would prefer to see 2.5x income at least • Risk exists with all tenants, tenants should be allowed to make their own decisions. 	•
5.b i	12. The rent ratio includes all sources of income including wages, rent assistance, verifiable family assistance, and public benefits	• This will lead to some tenants paying rent that's higher than their verifiable income as an individual. In contracts, the goal should always be to set up both sides for success, this doesn't accomplish that.	•
5.b ii	13. The rent ratio can include average utility cost.	•	•

5.b iii-iv	14. The rent ratio can include co-signer when below 2x rent. The co-signer cannot be required to have income of more than 3x rent.	<ul style="list-style-type: none"> • Co-signer should not be a part of the rent ratio calculation. Co-signers under ORS don't pay the rent, and should remain distinct from "verifiable family assistance." 	•
5.b vi	15. The rent ratio can only include the applicant's share of the rent when the applicant receives federal, state, or local rent assistance.	<ul style="list-style-type: none"> • This conflicts with rent assistance being included in rent ratio above. 	•
5.b v, vii	16. The rent ratio is calculated for the entire household. Applicants who are not responsible for paying rent can only be screened for criminal history.	<ul style="list-style-type: none"> • Define applicants responsible/not responsible for paying rent. • Applicants who are not responsible for paying rent should also be screened for rental history. 	•
6	Individualized Assessment	•	•
6.a	17. Denying an applicant requires completing an individualized assessment, and stating a nexus between the reasons for denial and a substantial, legitimate, non-discriminatory interest of the landlord.	<ul style="list-style-type: none"> • The ORS cited to define non-discriminatory (ORS 659A.421) doesn't define non-discriminatory well. 	•
	Criminal History (by Individualized Assessment)	•	•
6.b	18. When evaluating criminal history, a landlord must consider the following:	•	•
6.b i	a. Nature and severity for each conviction.	•	•
6.b ii	b. Number and type of each conviction	•	•
6.b iii	c. Time elapsed since each conviction	•	•
6.b iv	d. the applicant's age at time of conviction	•	•
6.b v	e. evidence of good tenant history before/after each conviction	•	•

6.b vi	f. any supplemental information about rehabilitation, good conduct, additional facts or explanations if provided.	•	•
6.c	19. When an applicant's criminal history shows any of the following, it is presumed that the crime or conduct does not merit denial on its own:	•	•
6.c.1	a. An arrest that did not result in conviction, unless the charge is pending,	•	•
6.c.2	b. Participation in or completion of a diversion or a deferral program,	•	•
6.c.3	c. A conviction that has been dismissed, expunged, voided or invalidated,	•	•
6.c.4	d. A conviction for a crime that is no longer illegal,	•	•
6.c.5	e. A conviction or any other determination or adjudication in the juvenile justice system.	•	•
6.c.6 a	20. When an applicant's criminal history shows any of the following, it is presumed that the crime or conduct does not merit denial on its own: a. A conviction or pending charge listed below when the date of sentencing is <u>3 years or more</u> or the date of release is <u>1 year or more</u> , whichever is latest	• Looking at disparate impact, there are very prevalent racial disparities in conviction history. Communities of color are incredibly overrepresented in the criminal justice system. Screening that allows blanket bans on criminal history leads to disparate impact in housing. • Date of release is not something a screening company can identify.	•
6.c.6 a i	i. Felony assault and battery,	•	•
6.c.6 a ii	ii. Misdemeanor domestic violence,	•	•
6.c.6 a iii	iii. Robbery offenses (no weapon involved),	•	•
6.c.6 a iv	iv. Sex offenses (non-forcible),	•	•

6.c.6 a v	v. Stalking,	•	•
6.c.6 a vi	vi. Felony burglary or felony breaking and entering-related offenses,	•	•
6.c.6 a vii	vii. Theft, stolen property, or fraud-related offenses when the history shows two or more felony convictions within the timeframe in this section,	•	•
6.c.6 a viii	viii. Felony destruction, damage, or vandalism of property offenses,	•	•
6.c.6 a ix	ix. Drug possession when the history shows two or more felony convictions within the timeframe in this section,	•	•
6.c.6 a x	x. Drug Manufacture, distribution or possession with the intent to distribute, or	•	•
6.c.6 a xi	xi. Weapons offenses, other than use of a firearm against a person	•	•
	21. When an applicant's criminal history shows any of the following, it is presumed that the crime or conduct does not merit denial on its own:	•	•
6.c.6 b	b. When the date of sentencing is <u>1 year or more</u> or the date of release is <u>greater than 1 year</u> , whichever is latest for driving under the influence-related offenses, when the history shows two or more convictions within the timeframe in this section, or	•	•
6.c.6 c	c. A criminal conviction <u>older than 7 years</u> for any conviction, the date of conviction being the date of sentencing, or <u>more than</u>	•	•

	4 years from the date of release, whichever is latest.		
6.c.6 d	d. A criminal conviction <u>older than 10 years</u> for any convictions, the date of conviction being the date of sentencing when the history shows <u>two or more misdemeanor or felony convictions</u> within the timeframe in this section, or	•	•
6.c.6 e	e. A criminal conviction <u>older than 20 years</u> for any convictions, the date of conviction being the date of sentencing when the history shows <u>four or more misdemeanor or felony convictions</u> within the timeframe in this section.	•	•
6.d i	Credit History When an applicant's history shows <u>3 or fewer</u> of the following, it is presumed that that their credit history does not merit denial on its own:	•	•
6.d i 1	22. Insufficient credit score,	•	•
6.d i 2	23. Lack of credit history, unless the applicant in bad faith withholds credit history,	•	•
6.d i 3	24. Adverse accounts under \$1000, unless the account is related to debt from a prior tenancy	• This number is too low.	•
6.d i 4	25. Property debt under \$300,	•	•
6.d i 5	26. Bankruptcy filed by the applicant more than 5 years ago,	• This should be broken out to distinguish between open and closed bankruptcies, as well as Chapter 7 which are immediate, and Chapter 13 which are more long term.	•
6.d i 6	27. Medical or secondary education debt.	•	•
6.d	Rental History	•	•

ii	When an applicant's history shows <u>two or fewer</u> of the following, it is presumed that that their rental history does not merit denial on its own:		
6.d ii 1	28. An action to recover possession pursuant to ORS 105.105 to 105.168 if the action:	• These numbers are too restrictive	•
6.d ii 1 a	a. Was dismissed or resulted in a general judgment	•	•
6.d ii 1 b	b. Resulted in a general judgment against the applicant five or more years ago	•	•
6.d ii 1 c-f	c. Resulted in a general judgment against the applicant fewer than five years ago if: <ul style="list-style-type: none"> i. The termination of tenancy upon which the action was based on a no-cause eviction pursuant to ORS 90.427, ii. The termination of tenancy upon which the action was based pursuant to ORS 90.394 and the termination occurred within six months of the effective date of a rent increase, if that rent increase caused the total rent to increase by 10% or greater within the prior twelve months, iii. The judgment against the applicant was a default judgment due to a failure to appear, if the applicant presents credible evidence to the landlord that the applicant had already vacated the unit upon which the action was based at the time that notice of the action was served. 	•	•

6.d ii 2	29. Information from an oral rental reference, except defaults in rent, outstanding balance due to the landlord or behaviors as a tenant that resulted in a termination with cause. Any information provided from an oral rental reference that the landlord intends to use as the basis for denial must be recorded in writing and attributed to the prior landlord	<ul style="list-style-type: none"> • Housing discrimination is pervasive. Gut feelings and decisions lead to housing discrimination, even with well-intentioned people. 	<ul style="list-style-type: none"> •
6.d ii 3	30. Lack of rental history, unless the applicant in bad faith withholds rental history information that might otherwise form the basis for denial.	<ul style="list-style-type: none"> • 	<ul style="list-style-type: none"> •
6.e	Notice of Denial	<ul style="list-style-type: none"> • 	<ul style="list-style-type: none"> •
6.e	31. must include:	<ul style="list-style-type: none"> • Should also include the screening service used, and the financial relationship between the landlord and screening service. 	<ul style="list-style-type: none"> •
6.e i	a. The specific adverse information in the application that matches the screening criteria information as provided on the application,	<ul style="list-style-type: none"> • 	<ul style="list-style-type: none"> •
6.e i	b. The supplemental evidence, if any, that the landlord considered and how it influenced the decision of the landlord to deny the application,	<ul style="list-style-type: none"> • 	<ul style="list-style-type: none"> •
6.e iii	c. The nexus between the specific circumstances surrounding the reasons for denial and a substantial, legitimate, non-discriminatory interest of the landlord, and	<ul style="list-style-type: none"> • Nexus needs to be better defined in code. 	<ul style="list-style-type: none"> •
6.e iv	d. How, given the above assessment, it is highly and substantially more probably to be true than not that the applicant as a tenant will adversely affect the substantial, legitimate, non-discriminatory interest of the landlord.	<ul style="list-style-type: none"> • 	<ul style="list-style-type: none"> •

6.f	<p>32. Cannot include/be based on :</p> <p>a. An arrest that did not result in conviction, unless the charge is pending,</p> <p>b. An action to recover possession pursuant to ORS 105.105 to 105.168 if the action:</p> <p>i. Was dismissed or resulted in a general judgment</p> <p>ii. Resulted in a general judgment against the applicant five or more years ago</p>	•	•
6.i	<p>33. The written notice of denial must be given to the applicant within 2 weeks of the determination.</p>	•	•
	Supplemental Evidence	•	•
6.g	<p>34. Includes:</p>	•	•
6.g i	<p>a. Proof of rental payments to a prior landlord,</p>	•	•
6.g ii	<p>b. Credit score</p>	•	•
6.g iii	<p>c. Proof of job or income stability,</p>	•	•
6.g iv	<p>d. Proof of payment toward outstanding debt,</p>	•	•
6.g v	<p>e. Completion of Rent Well program,</p>	•	•
6.g vi	<p>f. Availability of a co-signer,</p>	•	•
6.g vii	<p>g. Demonstrated or formal relationship with a service provider for rent assistance or other support services,</p>	•	•
6.g viii	<p>h. Participation in a rehabilitation program, including but not limited to a certification</p>	•	•

	program that assists people with criminal histories to evidence reform,		
6.g ix	i. Evidence of work to address outstanding debt,	•	•
6.g x	j. Explanation for changed circumstances or reform that would decrease likelihood that tenant would repeat historical adverse behavior (e.g., crime, property damage, etc.),	•	•
6.g xi	k. Any other information, whether written or oral, that the applicant believes to be relevant to the applicant's predicted performance as a tenant.	•	•
6.h	35. A landlord must consider any supplemental evidence submitted with the application, and may supplemental evidence submitted before or after the application.	•	•
7	Appeals	•	•
7.a	36. An applicant who is denied must have the opportunity to appeal that denial directly to the landlord or property manager based on: a. incomplete or inaccurate information on application, b. newly acquired supplemental evidence, c. evidence of inappropriate nexus identified in denial	•	•
7.b	37. The landlord is not required to hold the unit for the application during the appeals process.	•	•
7.c	38. If the appeal results in the denial being overturned, the landlord must place the applicant on a waitlist for the next available unit, for up to 6 months.	• Clarify if the waitlist is for the owner or for a given building.	•
8	Additional Deposit	•	•

8.a	39. Landlords may charge additional security deposit as described in code_____, if they determine that supplemental evidence provided by the applicant is not adequate to offset a substantial, legitimate, non-discriminatory interest of the landlord.	<ul style="list-style-type: none"> • This component is important. 	<ul style="list-style-type: none"> •
8.b	40. To request additional deposit, the landlord must provide a written notice of “Conditional Approval” to the applicant with the specific reasons for the request.	<ul style="list-style-type: none"> • The Housing Bureau should gather and track notice of conditional approval. 	<ul style="list-style-type: none"> •
9	Screening Fees	<ul style="list-style-type: none"> • 	<ul style="list-style-type: none"> •
9.a	41. If notice of denial is not provided within 2 weeks, the owner must refund their entire application fee within the same 2 week period.	<ul style="list-style-type: none"> • 	<ul style="list-style-type: none"> •
9.b	42. If using a professional screening company exclusively, screening fee charged by the landlord cannot be more than what is charged by the company.	<ul style="list-style-type: none"> • We will see screening fees as high as \$120-175. • This is unnecessary, ORS 90.302 already bans certain charges. 	<ul style="list-style-type: none"> •
9.c	43. If using a professional screening company in addition to screening work by the landlord or property manager, fees cannot exceed 50% above what is charged by the screening company.	<ul style="list-style-type: none"> • This is unnecessary, ORS 90.302 already bans certain charges. 	<ul style="list-style-type: none"> •
9.d	44. If landlord or property manager screens independently without the use of a professional screening company, rates cannot exceed 10% of the average professional screening company fee rate in the Portland-Metro area.	<ul style="list-style-type: none"> • This is unnecessary, ORS 90.302 already bans certain charges. 	<ul style="list-style-type: none"> •
10	Modification Requests	<ul style="list-style-type: none"> • 	<ul style="list-style-type: none"> •
10.a	45. An applicant who experiences disabilities cannot be denied housing based on a denial of reasonable modification alone.	<ul style="list-style-type: none"> • 	<ul style="list-style-type: none"> •

10.b	46. If an applicant’s modification request is denied, the applicant must be allowed 24 hours to request an alternative modification that meets their needs.	•	•
10.c	47. If the second modification request is denied, the applicant must be allowed another 24 hours to request an alternative modification that meets their needs.	•	•
10.d	48. If no reasonable modification can be made in the unit the applicant applied for, they may still accept the unit if they meet the eligibility criteria.	•	•
11	Exemptions	•	•
11.a	49. Any housing provider that enters into a partnership or referral agreement with a non-profit service provider working to place low income or vulnerable clients into housing is exempted from the policy only for the units the agreement applies to.	• The partnership should be further defined and restricted.	•
11.b	50. All sections must be followed except when otherwise complying with state or federal funding or loan laws.	•	•
12	Damages	•	•
12.a	51. 3x the current stated rent or actual damages, whichever is higher	•	•