

Draft Section	Screening Criteria Policy Components	RSC Suggestions	Eudaly Updates
C	Applications		
a. 1-3	<p>1. First-come first-served. Each applicant receives a date/time stamp, queue number, and receipt.</p>	<p>a. Modify to exempt lotteries from first-come first-served if they are administered by the Housing Bureau</p> <p>b. Add clarifications on procedure for tenant accepting an approved offer</p> <p>c. Modify "1 day" to "by 11:59 PM the next business day."</p> <p>d. Modify first come first serve to accommodate a preference based lottery</p> <p>e. Add that landlords are required to accept applications for the purpose of time stamping/queuing even if the tenant hasn't viewed the unit yet.</p>	<p>a. Suggestion rejected by PHB. Unable to modify.</p> <p>b. Not modified</p> <p>c. Under consideration</p> <p>d. Not modified</p> <p>e. Under consideration</p>
b. 1-4	<p>2. Applications must include: notice of right to reasonable accommodations, notice of rights in harbor languages, and a description of the screening criteria.</p>	<p>a. Replace "applications" with "screening criteria" for notice of rights and description of screening criteria</p> <p>b. Add a requirement for accessibility of forms, for non-English speakers and those with disabilities or technological limitations.</p> <p>c. Create a city-wide standardized application, available in multiple formats, that does not include questions about evictions or criminal background, due to false positives in self-reporting.</p>	<p>a. Language was revised to be more flexible in how notices can be provided.</p> <p>b. Under consideration</p> <p>c. At this time, we do not have the authority to require landlords to use an application created by PHB. The RSC can make recommendations directly to PHB for the Rental Services Office policies and procedures. Not modified.</p> <p>d. Not modified</p>

		<p>d. Add requirement that application not ask about criminal history, bankruptcy, or evictions (because of false positives in self-reporting).</p> <p>e. Add a tenant's application can be time stamped before submission for a RAR to prevent it from being delayed.</p> <p>f. Add requiring applications be available in 5 harbor languages</p> <p>g. Add that credit scores and other quantifiable criteria need to be stated objectively, instead of "good credit".</p>	<p>e. Under consideration</p> <p>f. There is a low probability that the majority of landlords would be able to read an application in 5 different languages. Not modified.</p> <p>g. Not modified.</p>
c.	<p>3. Landlords with less than 50 units can reject applicants who have had prior lease violations with them in the past year.</p>		
	<p>4. Applicants with a mobility disability receive preference during the first 24 hours to units that are at least 60% ADA compliant.</p>		
	<p>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.</p>		
d.	<p>4. Applicant who self identifies with mobility challenges gets preference for ADA units within first 8 hours.</p>		<ul style="list-style-type: none"> Replaces 60% ADA preference policy with full ADA preference policy. Shortened the time window.
D	Advertisements		

a.,b.,c.	5. 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.	<ul style="list-style-type: none"> a. Remove reference to a "link" and replace with a less restrictive term b. Add that complete screening criteria must be made clearly available prior to filling out an application, and a tenant should indicate receipt of this with initials term. c. Add that the city should direct the RSC to compile "default screening criteria" available for use by landlords. 	<ul style="list-style-type: none"> a. Revised to say, "web address" instead of "link". b. Criteria already required, will not modify to include initials. c. That is covered under "screening standards" <p>Additional: Replaced "60% ADA" with "accessible by General Type A or General Type B requirements"</p>
d.	6. Any advertised units that can only be applied for in person must advertise a week before the pick-up/submission date.		Additional: Revised to require 3 days notice for all advertisements.
E Identification			
a.	7. 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.		Additional: Revised language to clarify appropriate forms of id can be any documents that prove picture, full name, and DOB.
b.	8. An application can't be rejected for lack of a SSN.		
c.	9. Landlords cannot ask about immigration status or ask applicants to prove citizenship.		
F Income			

a.,b.	10. A landlord cannot require income of more than 2 times rent.	<ul style="list-style-type: none"> a. Multiple requests to lower or increase income ratio. b. Remove allowing rent ratio to include average utility costs. c. Add if a month or more of rent is held as a security deposit, then a landlord cannot require more than 1.5x the rent, if the tenant demonstrates ability to pay. d. Remove increased security deposits for separately paid utilities because it will incentivize unbundling 	<ul style="list-style-type: none"> a. Revised to state 2x for rent w/utilities included and 2.5x for rent without utilities included. b. Revised, see previous answer. c. Not modified d. Not modified
c.i.	11. The rent ratio includes all sources of income including wages, rent assistance, verifiable family assistance, and public benefits	<ul style="list-style-type: none"> a. Modify "family assistance" to "regular family assistance". b. Modify family assistance to be for the life of the lease rather than only 3 months. 	<ul style="list-style-type: none"> a. Revised to state, "for at least 3 months of tenancy". b. Not modified
	12. The rent ratio can include average utility cost.		
c.ii., c.iii.	13. 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"> a. Modify rent ratio to not include co-signer as part of an applicant's rent to income ratio. 	<ul style="list-style-type: none"> a. Not modified.
c.iv.	14. Allows applicant to choose between guarantor or additional deposit.		
c.v.	15. The rent ratio can only include the applicant's share of the rent when the applicant receives federal, state, or local rent assistance.		
c.vi. c.vii. c.viii.	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"> a. Define applicants responsible/not responsible for paying the rent. b. Modify to screen rental history of applicants who are not responsible for paying rent. 	<ul style="list-style-type: none"> a. Revised code to include a definition for "Head(s) of Household" b. Not modified.
G	Screening Standards		

a.	17. A landlord does not need to do mandatory individualized assessment if they adopt screening standards.		
a. 1-5	18. An arrest that did not result in conviction, unless the charge is pending, Participation in or completion of a diversion or a deferral program, A conviction that has been dismissed, expunged, voided or invalidated, A conviction for a crime that is no longer illegal, A conviction or any other determination or adjudication in the juvenile justice system.	a. Add a requirement the Housing Bureau issue an updated list of crimes that are no longer illegal in the state of Oregon.	a. Under consideration
a.6.a.	19. 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 for misdemeanors		
a.6.b.	20. 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		
a.6.c.	21. 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 4 years</u> from the date of release, whichever is latest.		
a.6.d.	22. 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		
a.6.e.	23. 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.		
a.7.	24. Credit Score under 500	a. Modify no or low credit score to include history of successful rent payment	a. Will modify
a.8.	25. Lack of credit history, unless the applicant in bad faith withholds credit history,		
a.9.	26. Adverse accounts under \$1000, unless the account is related to debt from a prior tenancy	<ul style="list-style-type: none"> a. Modify to raise threshold for adverse accounts. b. Add cellular and credit card debt to presumptions of low risk c. Modify to not consider any debt except debt owed previous landlord d. Modify to not exclude debt if it has been sent to collections. e. Modify to exclude debt with an established payment arrangement. 	<ul style="list-style-type: none"> a. Not modified b. Not modified c. Not modified d. Not modified e. Under consideration
a.10.	27. Property debt under \$500,	a. Modify property debt to allow property debt under \$500 instead of \$300.	a. Modified
a.11.	28. Bankruptcy filed by the applicant is closed	a. Modify bankruptcy to distinguish between Chapters, to only apply to 2 years, and only if still open and debt owed.	a. Modified to distinguish between Chapters and open/vs closed with active repayment plan.

a.12.	29. Bankruptcy for Chapter 13 filed by the applicant is in active repayment plan.		
a.13.	30. Medical or secondary education debt.	a. Modify "secondary education debt" to "higher education debt"	a. Will modify
a.14. a-b	31. An action to recover possession pursuant to ORS 105.105 to 105.168 if the action: was dismissed or resulted in general judgment, Resulted in general judgment older than 5 years.	a. Modify to look back to filing dates on eviction judgments, instead of judgement dates.	a. Will modify
a.14. c.i.-ii.	32. Resulted in a general judgment against the applicant fewer than five years ago if: The termination of tenancy upon which the action was based on a no-cause eviction pursuant to ORS 90.427, 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.	a. Modify general judgements to be within the past 2 years	a. Under consideration
a.15.	33. Information from an oral or written rental reference, except defaults in rent, 3 or more Rental Agreement violations that resulted in notices issued to the Tenant, outstanding balance due to the landlord or behaviors as a tenant that resulted in a termination with cause.	a. Modify "oral reference" to "verbal reference" b. Modify "behaviors of tenants" to "lease violations" c. Add a requirement that landlords provide rental references without requiring 30 day notice.	a. Will modify if we keep that part of the reference. We are considering eliminating verbal references from the code. b. Will modify c. Under consideration for security deposit policy revision.

a.16.	34. Lack of rental history, unless the applicant in bad faith withholds rental history information that might otherwise form the basis for denial.		
H	Individualized Assessment		
a.	35. A Landlord that does not adopt the screening standards set forth in Section G, must conduct an individualized assessment before denying an Applicant and should approve an Applicant that meets the screening standards criteria for a Dwelling Unit unless the Landlord can identify a legitimate, non-discriminatory business interest to deny such Applicant.		
b.	36. Any Applicant that believes that they may have barriers to any screening criteria can provide, at the time of application submission, all Supplemental Evidence they believe provides a positive offset to the barriers.		
c. 1-14	37. Supplemental Evidence: Six or more consecutive months of job or income stability; Completion of secondary education or job training programs; Current enrollment in secondary education or job trainings programs; Current probation or parole oversight;	a. Add that tenants have 48 hours after submitting an application to add supplemental information that must be considered. b. Modify H.c. 2-5 and 8 to automatically be considered a reasonable accommodation request.	a. Will modify b. Modified

	<p>Certificate of Good Standing; Current payment plan towards credit debt; Completion of Rent Well or another tenant education program; Six or more consecutive months of positive rental payments within the last year; Completion of credit counseling; Current participation in credit counseling; Current participation with a legal or non-profit advocate to clear past collections; Legitimate explanation of no social security number or lack of credit history based on national origin or other protected class. The presence of domestic violence as contributing factor to rental issues of concern; Current payment plan toward outstanding debts owed previous landlord; or Any other evidence that the Applicant believes has a tangible impact to the specific barriers identified in an Applicant's history.</p>		
I	Denial		
a.	<p>38. An application can be denied without a Landlord first conducting an individualized assessment when an Applicant does not meet basic criteria requirements such as incomplete application, identification,</p>		

	income, or an Applicant has purposefully withheld required information.		
b.	39. If an Applicant applies as part of a family or group, a Dwelling Unit can be denied to that Applicant individually but not the family or group as a whole unless it changes the income ratio.		
c.	40. When denying an application based on screening standards, a Landlord must provide a written "Notice of Adverse Action" compliant with ORS.....to the Applicant within two weeks of the denial.		
d.1.	41. Must provide a Notice of Denial: The specific adverse information in the application that matches the screening criteria information as provided on the application,	<ul style="list-style-type: none"> a. Add it should also include a city provided list of housing options and resources for people with criminal backgrounds, credit trouble, evictions, etc. b. Require notice of denial detail the content of a rental reference if it is the basis for a denial. 	<ul style="list-style-type: none"> a. Under consideration b. Under consideration
d.2.	42. The Supplemental Evidence, if any, that the Landlord considered and whether it influenced the decision of the Landlord to deny the application;		
d.3.	43. An explanation of the legitimate, non-discriminatory business interest of the Landlord that justify denial of the application; and		

d.4.	44. An explanation of Supplemental Evidence, if any, the Applicant could have provided that would have led the Landlord to offer housing to the Applicant.		
e.	45. A Notice of Denial can only be issued to the Applicant by the Landlord.	a. Modify to identify responsible party	a. Modified
J	Additional Deposit		
a.	46. A Landlord may request an additional security deposit as set forth in Section 30.01.087 as an alternative to issuing a Notice of Adverse Action or a Notice of Denial.	a. Modify to have the Housing Bureau gather and track notices of conditional approval	a. Not modified
b.	47. Must include a Notice of Conditional Approval		
c.	48. No Notice of Conditional Approval needed for low income ratio		
K	Screening Fees		
a.	49. If notice of denial is not provided within 2 weeks, the owner must refund their entire application fee within the same 2 week period.	a. Modify screening fee refund period to apply to notice of approval as well as notice of denial. b. Modify screening refund period to 30 days	a. Under consideration b. Not modified
b.	50. If using a professional screening company exclusively, screening fee charged by the landlord cannot be more than what is charged by the company.	a. Remove mention of screening fees beyond two week requirement.	a. Not modified

c.	51. If using a professional screening company in addition to screening work by the landlord or property manager, fees cannot exceed 25% above what is charged by the screening company.		
d.	52. If landlord or property manager screens independently without the use of a professional screening company, rates cannot exceed 10% above what is charged by the average professional screening company fee in the Portland-Metro area.	a. Modify 10% to refer to actual cost	a. Under consideration
L	Modification Requests		
a.	53. An applicant who experiences disabilities cannot be denied housing based on a denial of reasonable modification alone.		
b.	54. If an applicant's modification request is denied, the applicant must be allowed 24 hours to request an alternative modification that meets their needs.		
c.	55. If the second modification request is denied, the applicant must be allowed another 24 hours to request an alternative modification that meets their needs.		
d.	56. 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.		
M	Exemptions		

a.	57. 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.	a. Define placement partnership further	a. Under consideration
b.	58. Any Landlord who does not rent or advertise to the general public.	a. Remove exemption for not publicly advertising to avoid pay to play housing.	a. Modified to include online network listings.
c.	59. All sections must be followed except when otherwise complying with state or federal funding or loan laws.	a. Modify to not exempt subsidized housing being administered by private property management. b. Modify exemption for loan laws to loan "requirements"	a. Not modified b. Modified
N	Damages		
a.	60. Any Applicant claiming to be aggrieved by a Landlord's noncompliance with the foregoing has a cause of action in any court of competent jurisdiction for Damages and any such other remedies as may be appropriate.		