

Community Alliance of Tenants – Tenant Education

Information is for general information purposes only, and is not a substitute for the advice of an attorney.

Have You Been Denied Housing?



RENTAL APPLICATION

How does the rental application and screening process work? ORS 90.295

In order for a landlord to charge a screening fee, he/she needs to give the tenant:

- a.** a written screening criteria (what the landlord requires in order for you to be able to live there)
- b.** written notice of how much the screening fee is
- c.** a written description of how the screening process works
- d.** written notice of your rights to dispute any incorrect information
- e.** the amounts of rent charged and deposits that will be required under the lease

The landlord also has to give a good-faith estimate **of how many units of similar size are available** and **the number of applications the landlord has already accepted**. If you paid a fee, the landlord must tell you in writing why they turned you down. If you didn't pay a fee, you can write to your landlord to find out why they turned you down and they must respond with a reason.

If you already know that there is something negative on your credit, criminal or rental history, it is often a good idea to submit a personal statement with your rental application. This can explain the situation or event, with any supporting documentation, and assurances to the landlord why it will not happen again in the future.

If the landlord failed to comply with the above and didn't rent to you **OR** didn't do the screening and didn't refund your money within a reasonable time (probably 30 days) **you can sue for \$150 dollars and the twice screening fee amount** (ORS 90.295(8)).

Discrimination and Fair Housing

In Oregon, Fair Housing Law protects all tenants against discrimination by landlords on the basis of **race, religion, color, national origin, mental or physical disability, marital status** (if you are married or divorced), and **source of income**.

Some cities and counties also protect tenants from discrimination on the basis of their **age, gender identity and sexual orientation.**

Most tenants are protected against discrimination on the basis of their sex and their family status (if they have kids). Only landlords who rent out and share common space in their home with tenants can discriminate against tenants because of their sex or because they have kids!

Call the **Fair Housing Council of Oregon** at 503-223-8197 or 1-800-424-3247 if you feel you have been illegally discriminated against.

Screening Companies

Many landlords use rental-reporting agencies to screen tenants. A landlord must give you the name and address of the reporting agency s/he used if you are denied because of information they gave. If you are denied housing:

- 1) Ask the landlord if he/she used one of these agencies, and if so, which one (the landlord has to tell you).
- 2) **Write** to the agency and ask them for a copy of the report they have on you. Keep a copy of the request for your records. The report should be free if a landlord has requested a report on you within the last 30 days. Otherwise, the agency may charge you a fee
- 3) When you get the report, you have the right to request that it be changed if it is wrong. You will need to give the agency proof that the report is wrong. You can also ask the agency to re-investigate the information if you think it's not true. If you don't have proof that the report is wrong, you can ask that your 100-word explanation be added to your report.
- 4) If you are denied housing because of your credit report, or if your credit report has negatively impacted your rental situation in any way (for example, if your landlord asks for a bigger deposit because of your credit history), either the landlord or the screening agency must give you the name and the address of the credit reporting agency they used. You are entitled to a free copy as long as you request it within 60 days of the denial, and you have the right to dispute any incorrect charges AND add a 100-word per item statement on the report.

Criminal and Rental History

Landlords often check the applicant's criminal and rental history as part of the screening process. Any resident of Oregon can ask for a copy of their OJIN (Oregon Judicial Information Network) file at the nearest county courthouse, usually with a small printing fee.

In addition to checking court records, landlords often call previous landlords to verify tenancies and whether the tenant still owes money to a previous landlord. It is always a good idea to call or write your previous landlords to let them know you are searching for a

new rental, and ask them if they are going to give a positive reference.

As of January 1st, 2014, landlords may not consider eviction filings (FEDs) that did not result in an actual eviction, or judgment against the tenant. Many eviction cases are dismissed or won by the tenant, which should not reflect negatively against the tenant's application.

Also, as of January 1st, 2014, landlords can consider only certain aspects of an applicant's criminal history. **Landlords cannot consider arrest records that did not result in a conviction, or certain crimes that may not reasonably threaten the landlord's property, or the safety and wellbeing of neighbors.** This part gets kind of complicated, so if you have questions, call the Renters' Rights Hotline.

Housing search tips

Have you had problems finding housing because of credit, criminal or rental history problems?

Here are some tips that might make your housing search more successful:

Important note! If your problem finding housing is related to a disability or behavior caused by a disability (including previous **substance abuse**), you have the right to ask for a "reasonable accommodation" (such as a change in the landlord's rules or policies) during the application process. You may be able to ask your landlord to overlook certain parts of your rental history. Call the Fair Housing Council at 503-223-8197 or 1-800-424-3247 for more information about housing applications and disabilities.

1. First, get copies of your credit reports from the three credit-reporting agencies. Know what is on your report before prospective landlords do, so that you will be able to respond to negative or inaccurate charges that appear on it. Also, if you have a criminal record, find out if you can get any crimes expunged (removed) from your record. (This will take a while, but it's still a good idea). Call the Oregon Law Center (503-224-2414) for more details.

2. Call your local social service agency (dial 211 throughout Oregon) about free trainings for tenants. The classes are usually called "Ready to Rent" or "Rent Well" classes. These classes can give you information about available housing and rent assistance, and offer landlords a money guarantee that might make it easier for you to find a place that will accept you. You could also ask for a caseworker or advocate to help you write a letter explaining to future landlords why you'd make a good renter.

3. Don't disclose past problems over the phone to landlords when you call to make an appointment to see a unit. Be polite over the phone. If you think your kids will interrupt you, place your call from a different room, or have someone watch over them while you are on the phone. **(Note – it's not legal for landlords to refuse to rent to you because you have kids).**

4. Arrive 15 minutes early to your appointment. Dress as if you were going to a job interview. Don't bring your kids if they will misbehave.

5. Ask the landlord for a tour of the unit and all common areas. Ask lots of questions. Let the landlord know you are looking for a long-term home for you and your family. Complement the landlord on what you like. Show the prospective landlord what a conscientious tenant you are. However, if the unit doesn't meet your expectations, if it is unsafe, or if the landlord is rude to you, look someplace else. Any problems you observe now will probably only get worse later on.

6. After the tour this is the time to tell the landlord about your past rental history. Explain to the landlord (briefly), or in writing, what happened in the past and **explain why things are different now. Take responsibility for any mistakes that you have made.**

If the landlord seems unwilling to negotiate with you, it is probably a good bet that your application won't be accepted. Don't pay the screening fee. On the other hand, if the landlord seems encouraging or tells you that other tenants with the same problems have been accepted before, submitting your application might be worth a shot. When you pay a screening fee, if a landlord turns down your application they must tell you why in writing.

HOW TO GET YOUR CREDIT REPORT

CAT recommends requesting a copy of your credit report from each of the three credit reporting agencies every six months. This is especially important if an old landlord has billed you or has threatened to bill you for damages after you have moved out. It is much easier to deal with errors on your credit report if they have been added recently.

You have the right to dispute mistakes on your credit report, and you also have the right to submit a statement (that will be included in the report) briefly explaining your side of the story for any negative charge listed.

To get a copy of your credit report, you can call or write to the following companies. Note that there is no fee if you are unemployed, a welfare recipient, a victim of fraud, or if you have been denied employment or credit in the last 60 days. You are also entitled to one free credit report a year from each of the three companies. You can request your free copies online at www.annualcreditreport.com or by phone at 1-877-322-8228.

Some studies have shown that up to 70% of all credit reports contain inaccuracies, so get a copy and check it carefully!

Equifax
PO Box 740241
Atlanta, GA 30374
Phone: 1-800-685-1111
<http://www.equifax.com/>
Cost: \$10

TransUnion
PO Box 1000
Chester, PA 19022
Phone: 1-800-916-8800
<http://www.transunion.com/>
Cost: \$10

Experian
PO Box 2104
Allen, TX 75013-2104
Phone: 1-888-397-3742
<http://www.experian.com/>
Cost: \$10

Here are a few local resources that may be able to help you if you are having trouble getting into housing:

Name of Organization	Phone and Website	What They Do:	Who Qualifies for Services:
Fair Housing Council of Oregon	(503) 223-8197 ex. 2 www.fhco.org	<ul style="list-style-type: none"> - can help you ask for special consideration if your disability is preventing you from getting into housing - can investigate complaints about discrimination in housing 	Anyone
Legal Aid Services of Oregon	(503) 224-4086	<ul style="list-style-type: none"> - can provide legal help with housing emergencies like evictions - can help you with a disability-related housing problem - can help you with subsidized housing problems, including getting into HAP housing 	Low income folks (if you qualify for food stamps or most subsidized housing, you qualify for them) in Multnomah County.
Oregon Law Center Pro Bono	(503) 224-2414	<ul style="list-style-type: none"> - can give you legal help with non-emergency situations - can help you get certain crimes removed from your record - can help you access your screening and credit information if you are having problems getting that info 	Low income folks (if you qualify for food stamps or most subsidized housing, you qualify for them)
Community Alliance of Tenants' Renters' Rights Hotline	(503) 288-0130 www.oregoncat.org	<ul style="list-style-type: none"> - can give you legal information and suggestions about problems you are having or had with a landlord/rental homes; can help you find an attorney to give you legal advice 	Any tenant in Oregon who rents their home (not mobile or floating home owners)
Housing Connections, 211 and Rent Well Classes	Dial 211 www.211info.org www.housingconnections.org	<ul style="list-style-type: none"> - can give you information on available, affordable, accessible and special needs housing. -- can give you info about classes and resources that will help you get accepted into housing 	Anyone looking for housing in Clackamas, Clark, Multnomah and Washington Counties

Sample credit report dispute letter

Below is a sample letter for disputing inaccurate information on your credit report. Along with your letter make sure you send a copy (not the one you received) of your credit report with the disputed items circled, as well as any information that supports your case (copies of cancelled checks, move-out inventories from your landlord, etc...). Make and keep copies of everything you send, and send your dispute letter **certified mail**.

(Date)

(Your Name)

(Your SSN)

(Your Address)

(Your City, State, Zip Code)

Complaint Department

(Name of Credit Reporting Agency)

(Address)

(City, State, Zip Code)

To Whom It May Concern:

I am writing to dispute the following information in my file. The items I dispute are also encircled on the attached copy of the report I received.

Chase VISA Acct: xxxxx-xxxxx-xxxx-xxx:

This account is listed as being 30 days late. I have never been late on this account.

Universal Acct: xxxxx-xxxxx-xxxx-xxx:

This account is listed as being 30 days late. I have never been late on this account.

In addition, there is a credit account on my report that has been inactive for more than 7 years. As you know, the FCRA states that all credit older than 7 years should be removed from my report. The following account should be removed:

Macy's Acct: xxxxx-xxxxx-xxxx-xxx

Enclosed are copies of (use this sentence if applicable and describe any enclosed documentation, such as payment records, court documents) supporting my position.

I have also enclosed a copy of my driver's license as proof of identity. In accordance with the Fair Credit Reporting Act, please reinvestigate this (these) matter(s) and (delete or correct) the disputed item(s) as soon as possible. I understand that under the law, you have 30 days to complete the reinvestigation.

Sincerely,

(Your name)

Enclosures: (List what you are enclosing)