

# House Bill 2427

Sponsored by Representative NATHANSON; Representative REARDON (at the request of Isaac Judd) (Presession filed.)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Directs Housing and Community Services Department to establish and maintain uniform rental application system. Requires landlords to accept uniform rental application submitted with uniform tenant screening report.

Becomes operative January 1, 2022.

Takes effect on 91st day following adjournment sine die.

## A BILL FOR AN ACT

1  
2 Relating to rental applications; creating new provisions; amending ORS 90.295; and prescribing an  
3 effective date.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1. Sections 2 to 5 of this 2021 Act are added to and made a part of ORS chapter**  
6 **90.**

7 **SECTION 2. As used in sections 2 to 5 of this 2021 Act:**

8 (1) **“Uniform rental application” means a standardized application for a rental agreement**  
9 **created by the Housing and Community Services Department for use in the uniform rental**  
10 **application system established under section 3 of this 2021 Act.**

11 (2) **“Uniform tenant screening report” means a tenant screening report prepared by a**  
12 **tenant screening company approved by the department under section 3 (3) of this 2021 Act**  
13 **and obtained by a prospective tenant for use in the uniform rental application system.**

14 **SECTION 3. (1) In consultation with the advisory committee formed under section 5 of**  
15 **this 2021 Act, the Housing and Community Services Department shall develop and maintain**  
16 **a uniform rental application system.**

17 (2) **The uniform rental application system developed under this section must:**

18 (a) **Utilize a uniform rental application for prospective tenants to complete online;**

19 (b) **Store uniform rental applications submitted by prospective tenants;**

20 (c) **Allow prospective tenants to update information contained in a stored uniform rental**  
21 **application;**

22 (d) **Allow prospective tenants to upload a uniform tenant screening report for use with**  
23 **a uniform rental application for a period of no more than 30 days;**

24 (e) **Require prospective tenants to certify that information contained in a uniform rental**  
25 **application is accurate; and**

26 (f) **Allow a stored uniform rental application or uniform tenant screening report to be:**

27 (A) **Accessed by a landlord authorized by a prospective tenant to conduct tenant screen-**  
28 **ing; and**

29 (B) **Printed by a prospective tenant.**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1       **(3)(a) The department shall establish and maintain a list of approved tenant screening**  
 2 **companies and establish standards for the information that must be included in a uniform**  
 3 **tenant screening report.**

4       **(b) A prospective tenant may obtain, at the prospective tenant’s own expense, a uniform**  
 5 **tenant screening report from a tenant screening company approved under paragraph (a) of**  
 6 **this subsection for use in the uniform rental application system.**

7       **(4) The department is not liable for damages arising from inaccurate information certi-**  
 8 **fied by a tenant to be true under subsection (2)(e) of this section.**

9       **(5) Except as provided in subsection (2)(f) of this section, information provided by a ten-**  
 10 **ant to the department or the operator of the uniform tenant application system in a uniform**  
 11 **rental application or uniform tenant screening report is confidential and exempt from dis-**  
 12 **closure under ORS 192.311 to 192.478.**

13       **SECTION 4. (1) A landlord may accept, in lieu of the landlord’s usual application for a**  
 14 **rental agreement, a tenant application prepared using the uniform rental application system.**

15       **(2) Notwithstanding the process a landlord usually follows for screening applicants, a**  
 16 **landlord must accept a uniform rental application that includes a uniform tenant screening**  
 17 **report. A landlord may not require a prospective tenant who submits a uniform rental ap-**  
 18 **plication and uniform tenant screening report to submit additional information or require**  
 19 **the prospective tenant to pay an applicant screening charge other than the charge described**  
 20 **in ORS 90.295 (9).**

21       **(3) For purposes of this section, a prospective tenant may submit a uniform rental ap-**  
 22 **plication or uniform tenant screening report to a landlord by providing the landlord with a**  
 23 **paper copy or notifying the landlord how the uniform rental application or uniform tenant**  
 24 **screening report can be accessed online.**

25       **(4) A landlord may not adopt screening or admission criteria that prohibits the use of:**

26       **(a) A uniform rental application or a uniform tenant screening report; or**

27       **(b) A paper copy of a uniform rental application or a uniform tenant screening report.**

28       **SECTION 5. (1) The Director of the Housing and Community Services Department shall**  
 29 **appoint a uniform rental application system advisory committee of not more than 10 mem-**  
 30 **bers representing the interests of the following groups:**

31       **(a) Tenants;**

32       **(b) Landlords; and**

33       **(c) Tenant screening companies.**

34       **(2) The advisory committee shall meet not less than once annually and shall advise the**  
 35 **department on the development and maintenance of the uniform rental application system**  
 36 **established under section 3 of this 2021 Act, including information that must be included in**  
 37 **a uniform rental application and a uniform tenant screening report.**

38       **SECTION 6. ORS 90.295 is amended to read:**

39       **90.295. (1)(a) A landlord may require payment of an applicant screening charge solely to cover**  
 40 **the costs of obtaining information about an applicant as the landlord processes the application for**  
 41 **a rental agreement. This activity is known as screening, and includes but is not limited to checking**  
 42 **references and obtaining a consumer credit report or tenant screening report. The landlord must**  
 43 **provide the applicant with a receipt for any applicant screening charge.**

44       **(b) A landlord may only require an applicant to pay a single applicant screening charge within**  
 45 **any 60-day period, regardless of the number of rental units owned or managed by the landlord for**

1 which the applicant has applied to rent.

2 (2) **Subject to the limitation provided in subsection (9) of this section**, the amount of any  
 3 applicant screening charge must not be greater than the landlord's average actual cost of screening  
 4 applicants. Actual costs may include the cost of using a tenant screening company or a consumer  
 5 credit reporting agency, and may include the reasonable value of any time spent by the landlord or  
 6 the landlord's agents in otherwise obtaining information on applicants. In any case, the applicant  
 7 screening charge must not be greater than the customary amount charged by tenant screening  
 8 companies or consumer credit reporting agencies for a comparable level of screening.

9 (3) A landlord may not require payment of an applicant screening charge unless prior to ac-  
 10 cepting the payment the landlord:

11 (a) Adopts written screening or admission criteria;

12 (b) Gives written notice to the applicant of:

13 (A) The amount of the applicant screening charge;

14 (B) The landlord's screening or admission criteria;

15 (C) The process that the landlord typically will follow in screening the applicant, including  
 16 whether the landlord uses a tenant screening company, credit reports, public records or criminal  
 17 records or contacts employers, landlords or other references; and

18 (D) The applicant's rights to dispute the accuracy of any information provided to the landlord  
 19 by a screening company or credit reporting agency;

20 (c) Gives actual notice to the applicant of an estimate, made to the best of the landlord's ability  
 21 at that time, of the approximate number of rental units of the type, and in the area, sought by the  
 22 applicant that are, or within a reasonable future time will be, available to rent from that landlord.  
 23 The estimate shall include the approximate number of applications previously accepted and remain-  
 24 ing under consideration for those units. A good faith error by a landlord in making an estimate  
 25 under this paragraph does not provide grounds for a claim under subsection (8)(b) of this section;

26 (d) Gives written notice to the applicant of the amount of rent the landlord will charge and the  
 27 deposits the landlord will require, subject to change in the rent or deposits by agreement of the  
 28 landlord and the tenant before entering into a rental agreement; and

29 (e) Gives written notice to the applicant whether the landlord requires tenants to obtain and  
 30 maintain renter's liability insurance and, if so, the amount of insurance required.

31 (4) Regardless of whether a landlord requires payment of an applicant screening charge, if a  
 32 landlord denies an application for a rental agreement by an applicant and that denial is based in  
 33 whole or in part on a tenant screening company or consumer credit reporting agency report on that  
 34 applicant, the landlord shall give the applicant actual notice of that fact at the same time that the  
 35 landlord notifies the applicant of the denial. Unless written notice of the name and address of the  
 36 screening company or credit reporting agency has previously been given, the landlord shall promptly  
 37 give written notice to the applicant of the name and address of the company or agency that provided  
 38 the report upon which the denial is based.

39 (5) Except as provided in subsection (4) of this section, a landlord need not disclose the results  
 40 of an applicant screening or report to an applicant, with respect to information that is not required  
 41 to be disclosed under the federal Fair Credit Reporting Act. A landlord may give to an applicant a  
 42 copy of that applicant's consumer report, as defined in the Fair Credit Reporting Act.

43 (6) Unless the applicant agrees otherwise in writing, a landlord may not require payment of an  
 44 applicant screening charge when the landlord knows or should know that no rental units are avail-  
 45 able at that time or will be available within a reasonable future time.

1 (7) A landlord that requires an applicant screening charge must refund the applicant screening  
2 charge to the applicant within a reasonable time if the landlord:

3 (a) Fills the vacant dwelling unit before screening the applicant; or

4 (b) Does not screen the applicant for any reason.

5 (8)(a) An applicant may not recover an applicant screening charge from the landlord if the ten-  
6 ant refuses an offer from the landlord to rent the dwelling unit.

7 (b) The applicant may recover from the landlord twice the amount of any applicant screening  
8 charge paid, plus \$150, if:

9 (A) The landlord fails to comply with this section with respect to the applicant's screening or  
10 screening charge; or

11 (B) The landlord does not conduct a screening of the applicant for any reason and fails to refund  
12 an applicant screening charge to the applicant within a reasonable time.

13 **(9) A landlord may not require an applicant screening charge greater than \$10 if the ap-  
14 plicant submits a uniform rental application and uniform tenant screening report using the  
15 uniform rental application system established under section 3 of this 2021 Act.**

16 **SECTION 7. (1) Sections 2 to 4 of this 2021 Act and the amendments to ORS 90.295 by  
17 section 6 of this 2021 Act become operative on January 1, 2022.**

18 **(2) The Housing and Community Services Department may take any action before the  
19 operative date specified in subsection (1) of this section that is necessary for the department  
20 to exercise, on and after the operative date specified in subsection (1) of this section, all of  
21 the duties, functions and powers conferred on the department by sections 2 to 4 of this 2021  
22 Act and the amendments to ORS 90.295 by section 6 of this 2021 Act.**

23 **SECTION 8. This 2021 Act takes effect on the 91st day after the date on which the 2021  
24 regular session of the Eighty-first Legislative Assembly adjourns sine die.**

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