

Renter Protection Ordinance: Renter Screening



Why limit screening criteria?

Minneapolis is a majority renter city with 89,000 households renting their homes. Many renters face barriers that prevent them from accessing housing, especially at a time of low vacancy rates and rising costs. The proposed ordinance establishes some restrictions on applicant screening to reduce barriers to accessing rental housing.

What does the ordinance say?

The ordinance provides property owners two options for screening potential renters. Owners can incorporate the inclusive screening criteria described in the ordinance or conduct an individualized assessment. Property owners are required to follow one of the options.

Inclusive Screening Criteria

A property owner may adopt the inclusive screening criteria standards in the ordinance. Under this option, screening standards cannot be more restrictive than the standards in the draft ordinance, but they may be less restrictive. The proposed standards limit the amount of time a property owner can consider the criminal and eviction history of a potential renter, and do not allow a property owner to screen based on credit score alone. The main provisions include:

- Limits on screening for criminal history
 - Cannot consider misdemeanors with dates of sentencing older than 3 years
 - Cannot consider felonies with dates of sentencing older than 7 years
 - Cannot consider convictions for certain felonies with dates of sentencing older than 10 years, including: first-degree murder, second-degree murder, third-degree murder, first-degree manslaughter, kidnapping, first-degree criminal sexual conduct, first degree assault, first degree arson and first degree aggravated robbery.
- Limits on screening for rental history
 - Cannot consider evictions where judgment was entered three or more years from date of application
 - Cannot consider settlements entered 1 or more years before applicant submits application
 - Cannot consider dismissed evictions or evictions resulting in judgement for the applicant
 - Cannot screen out for insufficient rental history
 - If a landlord requires an income equal to three times the rent or higher, the landlord must allow an exception where the applicant can demonstrate a history of successful rent payment with an income less than three times the rent.
- Limits on screening for credit history
 - Cannot screen based on credit score, but can consider information in credit report if it's relevant to ability to pay rent
 - Cannot screen out for insufficient credit history

Individualized Assessment Option

If a property owner chooses to use screening criteria stricter than the inclusive screening criteria, they must evaluate an applicant using an individualized assessment. The property owner must consider all supplemental evidence, provided by the applicant with a completed application, to explain, justify or negate the relevance of potentially negative information revealed by screening. Through an individualized assessment, a property owner must consider:

- The nature and severity of the incidents that would lead to a denial;
- The number and type of the incidents;
- The time that has elapsed since the date the incidents occurred; and
- The age of the individual at the time the incidents occurred.

Frequently Asked Questions

What is the goal of the ordinance?

The goal of the ordinance is to ensure that residents who have an incident far in their past will not be automatically disqualified from housing.

Are there any exceptions to the criminal history screening standards?

Yes. A property owner may screen out applicants who have been convicted of the illegal manufacture or distribution of a controlled substance as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802) or for those same offenses that mandate denial of tenancy in federally assisted housing subject to federal regulations, including but not limited to when any member of the household is subject to a lifetime sex offender registration requirement under a state sex offender registration program.

How are property owners affected?

Property owners may choose to use the inclusive screening criteria outlined in the ordinance or can conduct an individualized assessment of an applicant, considering supplemental information provided by the applicant to explain potentially negative information revealed by screening.

How will the ordinance be enforced?

The ordinance will be enforced through the City's [housing maintenance code](#).

Do other cities have similar ordinances?

Portland, Seattle, Cook County, Detroit and Washington D.C. have adopted ordinances that address tenant screening criteria.

When does the ordinance go into effect?

The effective date for the ordinance is June 1, 2020 except for property owners with 15 dwelling units or less. The effective date for those property owners is Dec. 1, 2020. Prior to the effective date, the City will convene a cross-sector implementation committee to create and execute an implementation plan. The committee will include representatives from legal and tenant advocacy organizations, the multi-housing industry and city departments. The committee will determine best practices and policies for ordinance implementation.