

HB 2680 A STAFF MEASURE SUMMARY

Senate Committee On Housing and Development

Prepared By: Kevin Rancik, LPRO Analyst

Meeting Dates: 5/3, 5/8

WHAT THE MEASURE DOES:

Requires landlords using tenant screening companies or consumer credit reporting agencies to provide applicant with confirmation of screening, including copy of receipt from each company or agency. Adds nondiscrimination for gender identity, and applicant's right to a refund of screening charge, to required notice provided by landlord prior to acceptance of screening charge payment. Requires landlord refund the screening charge within 30 days if the vacant dwelling unit is filled before the application has been screened, or the applicant withdraws prior to any screening activity. Increases maximum amount eligible applicant may recover for landlord noncompliance from twice the screening charge plus \$150 to twice the screening charge plus \$250.

FISCAL: Has minimal fiscal impact

REVENUE: No revenue impact

House Vote: Ayes, 38; Nays 20

ISSUES DISCUSSED:

- Lack of universal application or background check database
- Enforcement of measure provisions
- Effect of amendments passed in the House

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

Oregon residential landlord and tenant law describes the process for rental applications, screening procedures, and related fees. Many landlords rely on privately owned tenant screening services, which are paid for by the prospective tenant as part of an application fee. Landlords are limited to a single screening charge within any 60-day period if a prospective tenant has applied to multiple units or properties they own, as per Senate Bill 484 (2019). Senate Bill 484 also required landlords who collected a screening charge to issue a refund to the applicant within "a reasonable time" if the landlord fills the vacant dwelling before screening the applicant, or if they do not initiate the screening.

House Bill 2680 A requires residential landlords to refund applicants for a screening charge within 30 days, subject to certain conditions. The measure requires landlords to promptly notify an applicant once the screening has taken place, their right to a refund of the screening charge, and recovery of damages if the landlord fails to provide the refund within 30 days, instead of "a reasonable time" under current statute. It also increases the damages an eligible applicant may recover to twice the amount of the screening charge plus \$250, which is a total increase of \$100 from current law.