

# Senate Bill 684

Sponsored by Senator MANNING JR; Representative PHAM K (at the request of Kevin Cronin) (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**.

Limits applicant screening charge to \$10. Makes violations of screening requirements unlawful practice subject to enforcement by Commissioner of the Bureau of Labor and Industries.

Takes effect on 91st day following adjournment sine die.

## A BILL FOR AN ACT

1  
2 Relating to applicant screening for residential tenants; 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.** ORS 90.295 is amended to read:

6 90.295. (1)(a) A landlord may require payment of an applicant screening charge [*solely to cover*  
7 *the costs of obtaining information about an applicant as the landlord processes*] **of no greater than**  
8 **\$10 to process** the application for a rental agreement. This activity is known as screening and in-  
9 cludes but is not limited to checking references and obtaining a consumer credit report or tenant  
10 screening report. The landlord must provide the applicant with a receipt for any applicant screening  
11 charge.

12 (b) A landlord may only require an applicant to pay a single applicant screening charge within  
13 any 60-day period, regardless of the number of rental units owned or managed by the landlord for  
14 which the applicant has applied to rent.

15 [*(2) The amount of any applicant screening charge must not be greater than the landlord's average*  
16 *actual cost of screening applicants or the customary amount charged by tenant screening companies or*  
17 *consumer credit reporting agencies for a comparable level of screening. Actual costs may include the*  
18 *cost of using a tenant screening company or a consumer credit reporting agency and the reasonable*  
19 *value of any time spent by the landlord or the landlord's agents in otherwise obtaining information on*  
20 *applicants.*]

21 [(3)] **(2)** A landlord may not require payment of an applicant screening charge unless prior to  
22 accepting the payment the landlord:

23 (a) Adopts written screening or admission criteria;

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

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

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

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

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

**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 (E) A right to appeal a negative determination, if any right to appeal exists;

2 (F) Any nondiscrimination policy as required by federal, state or local law plus any nondis-  
 3 crimination policy of the landlord, including that a landlord may not discriminate against an appli-  
 4 cant because of the race, color, religion, sex, sexual orientation, **gender identity**, national origin,  
 5 marital status, familial status or source of income of the applicant;

6 (G) The amount of rent the landlord will charge and the deposits the landlord will require,  
 7 subject to change in the rent or deposits by agreement of the landlord and the tenant before enter-  
 8 ing into a rental agreement; and

9 (H) Whether the landlord requires tenants to obtain and maintain renter’s liability insurance  
 10 and, if so, the amount of insurance required; and

11 (c) Gives actual notice to the applicant of an estimate, made to the best of the landlord’s ability  
 12 at that time, of the approximate number of rental units of the type, and in the area, sought by the  
 13 applicant that are, or within a reasonable future time will be, available to rent from that landlord.  
 14 The estimate shall include the approximate number of applications previously accepted and remain-  
 15 ing under consideration for those units. A good faith error by a landlord in making an estimate  
 16 under this paragraph does not provide grounds for a claim under subsection [(6)(b)] **(5)(b)** of this  
 17 section.

18 [(4)] **(3)** Unless the applicant agrees otherwise in writing, a landlord may not require payment  
 19 of an applicant screening charge when the landlord knows or should know that no rental units are  
 20 available at that time or will be available within a reasonable future time.

21 [(5)] **(4)** A landlord that requires an applicant screening charge must refund the applicant  
 22 screening charge to the applicant within a reasonable time if the landlord:

- 23 (a) Fills the vacant dwelling unit before screening the applicant; or
- 24 (b) Does not screen the applicant for any reason.

25 [(6)(a)] **(5)(a)** An applicant may not recover an applicant screening charge from the landlord if  
 26 the applicant refuses an offer from the landlord to rent the dwelling unit.

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

29 (A) The landlord fails to comply with this section with respect to the applicant’s screening or  
 30 screening charge; or

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

33 **(6) A landlord’s failure to comply with this section is an unlawful practice as defined in**  
 34 **ORS 659A.001 and subject to a complaint under ORS 659A.820 to 659A.865 and enforcement**  
 35 **by the Commissioner of the Bureau of Labor and Industries.**

36 **SECTION 2. This 2023 Act takes effect on the 91st day after the date on which the 2023**  
 37 **regular session of the Eighty-second Legislative Assembly adjourns sine die.**