

*FAIR CHANCE IN
HOUSING ACT:*
LEASE APPLICATION PROCESS IN SB 514



TENANT RIGHT TO COUNSEL PROJECT



STAGE 1

1. Application Submission and Initial Screening

- Prospective tenant submits a lease application.
- Landlord assess the applicant based on consumer reports, rental history, debts, and many other non-criminal factors.
- Landlord may not inquire about criminal history before extending a conditional offer – except for federally assisted housing.

2. Conditional Offer to Applicant

- If Landlord decides to move forward with the applicant, they extend a *conditional offer*, contingent on additional screening of certain conviction history.

STAGE 2

1. Conviction History Check

- After the conditional offer, the landlord may check for specific *conviction* history:
 - First-degree murder convictions
 - Human trafficking convictions
 - Lifetime sex offender registry crimes
 - Convictions within prior 2 years for sex crimes, child pornography, kidnapping, and arson.

2. Landlord Decision (Continue or Withdraw)

- If no disqualifying convictions are found, lease is approved.
- If disqualifying convictions are found, landlord may withdraw the conditional offer **only if** necessary for a "substantial, legitimate, and nondiscriminatory interest."

STAGE 2 (CONT'D)

3. Written Notice

- If applicant is denied, the landlord must provide a written notice stating:
 - The specific reason for withdrawal.
 - The applicant's right to request additional information about the withdrawal and to appeal.

STAGE 3

1. Applicant's Response to Withdrawal (Optional)

- Prospective tenant may request all information used in the decision to withdraw the conditional offer within 30 days after receiving notice of the withdrawal.
 - They may submit evidence to the landlord showing, inaccuracies in the criminal records, evidence of rehabilitation, and other mitigating factors.

2. Reassessment by Landlord

- Landlord reviews tenant's evidence in light of multiple factors, such as:
 - Severity and nature of the offense.
 - Time elapsed since conviction.
 - Tenant's rehabilitation efforts.
 - Potential risk to other tenants.



STAGE 3 (CONT'D)

3. Final Decision

- If the appeal is successful, lease is approved.
- If denied again, the tenant has the right to file a complaint with the Office of the Attorney General.

