

# Application & Screening

Learn about the new first-come-first-served system for rental applications, priority for applicants with mobility disabilities, limits on screening fees and income-to-rent ratios, and low-barrier screening criteria.





## Mobility Disabilities & Disability Modifications

For information about Mobility Disabilities and Disability Modifications, see pages 5 and 18.



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## Have Questions?

If you are a landlord or tenant with questions or concerns about the Application and Screening Ordinance, or seeking general guidance, contact PHB's Rental Services Office. Call, email, or stop by during helpdesk hours.

### Rental Services Office Helpdesk

**PHONE** 503-823-1303

**EMAIL** [rentalservices@portlandoregon.gov](mailto:rentalservices@portlandoregon.gov)

**ONLINE** [portland.gov/rso](http://portland.gov/rso)

**WALK-IN** 421 SW 6th Avenue, Suite 500  
Portland, Oregon 97204

**HOURS** Mondays, Wednesdays & Fridays  
9-11:00AM and 1-4:00PM



*Staff at the **Rental Services Office** will provide information about city laws and policy, and referrals to other resources and information. However, they cannot offer legal advice or tell a person what to do in a situation.*

### Find Documents & Forms Online



Find the full Administrative Rules, forms, and required notices online at [portland.gov/rso/application-screening](http://portland.gov/rso/application-screening)

# Frequently Asked Questions

You'll find answers to the following frequently asked questions. Look for the blue box or call out.

**What does an application need to include?** - - - - - 4

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# Advertising

## 72-Hour Notice of Unit Availability

When advertising to the public, a landlord is required to give 72 hours **notice of unit availability** before beginning to accept applications.

The notice must specify:

- a) when applications will begin to be accepted (no sooner than 72 hours);
- b) whether or not the unit is accessible;\* and
- c) the screening fee (if charging a fee), and a description of the screening criteria.

*\*An Accessible Dwelling Units qualifies as a "Type A Unit" pursuant to the Oregon Structural Building Code and ICC A117.1. In general, Type A Units are designed and constructed to provide accessibility for wheelchair users throughout unit.*

### What does an application need to include?

- ☐ The opportunity to affirm a Mobility Disability or other Disability Status
- ☐ The City of Portland Notice to Applicants relating to a tenant's right to request modification or accommodation
- ☐ The City of Portland Notice to Applicants referencing where to obtain Portland Housing Bureau's (PHB) Statement of Applicant Rights
- ☐ A description of the Screening Criteria and Evaluation Process, if a screening fee is charged
- ☐ The opportunity to include Supplemental Evidence for consideration, in order to mitigate potentially negative screening results

*A landlord can provide this info by providing an address, internet link, or other way prospective tenants can find this info.*



Find forms and documents online

**portland.gov/  
rso/application-  
screening**

★ **Best Practice** While not required, it's best practice to include information about the **Right to Appeal** in the application.

# Collection, Processing & Fees

## Open Application Period

The **Open Application Period** begins at least 72 hours after the notice of availability is posted. At the start of the Open Application Period, a landlord is required to record the date and time that each completed application is received. A landlord may simultaneously process multiple applications but is required to accept, conditionally accept, or deny in the order received.

If applications are received prior to the Open Application Period, a landlord is required to record the date and time of these completed applications as 8 hours after the start of the Open Application Period as a penalty.

### Can an applicant request a record of receipt?

If an applicant requests record of receipt a landlord is required to this provide this information, including date and time received, **within five business days** of receiving the request.

## Vacancy Waitlists

If a landlord maintains a waitlist for filling vacancies, names must be added in the order received. When members of a waitlist apply for a vacancy, a landlord may simultaneously process multiple applications but is required to accept, conditionally accept, or deny applicants in the order the applications were received.

### Priority for People with Mobility Disabilities\*

When, during first 8 hours of the Open Application Period, a landlord receives an application with a household member who self-identifies as Mobility Disabled, the landlord must give priority to such applications, and accept, conditionally accept, or deny these applicants prior to considering other applications. If there are multiple applications with a household member who is Mobility Disabled, this must happen in the order received, but prior to processing completed applications for households without Mobility Disabled members.



*\*This only applies to accessible (Type A) units, and does not apply to applications for units that are leased through a lottery or coordinated access system for residential buildings with rents at 80% MFI or lower.*





## B. Income

When multiple persons will reside in a unit, the applicants may choose which adults will be financially responsible, and which will be tenants with no financial responsibility.

### Applicant vs. Non-Applicant Tenant

An **applicant** assumes financial responsibility, and can be screened for financial responsibility. A **non-applicant tenant** assumes no financial responsibility, and cannot be screened for financial responsibility. A non-applicant tenant can be screened for factors related to maintenance and conduct.

### Evaluating Non-Applicant Tenants

A landlord may screen adult non-applicant tenants solely for factors related to maintaining property, and for conduct consistent with the health, safety or peaceful enjoyment of premises by other residents or the landlord, and to evaluate prospective tenants' ability to comply with the landlord's **Rules of Residency**. While a landlord may not screen non-applicant tenants for financial responsibility, they may require all adult tenants to sign Rules of Residency.

### Limits on Income-to-Rent Ratios

When the monthly rent amount is **less than what is considered affordable for households at 80% of the median family income (MFI)**,\* a landlord may require a monthly gross income of up to—but not greater than—2.5 times the rent amount.

When the monthly rent amount is **more than what is considered affordable for households at 80% of the median family income (MFI)**,\* a landlord may require a monthly gross income of up to—but not greater than—2 times the rent amount.

**If rent is less than the amount affordable at 80% MFI, then required income can be:**

**2.5x** the rent amount

**If rent is more than the amount affordable at 80% MFI, then required income can be:**

**2x** the rent amount

*\*Affordable rents at 80% MFI are published annually by PHB: [portland.gov/phb/](http://portland.gov/phb/); see Administrative Rules for more detail [portland.gov/rso/application-screening](http://portland.gov/rso/application-screening).*

## How are income-to-rent ratios evaluated?

*When evaluating an applicant's income-to-rent ratio, a landlord is required to:*

- **Include all sources of an applicant's income**, including—but not limited to—wages, rent assistance (non-governmental only), and monetary public benefits. A landlord may also choose to consider verifiable assistance from friends or family.
- Base calculations on:
  - a) a rental amount that is reduced by the amount of any local, state, or federal government rent voucher or housing subsidy available to the applicant; and
  - b) the cumulative financial resources of all applicants (does not include non-applicant tenants).

## What if an applicant does not meet the minimum income ratios?

If an applicant does not meet the minimum income ratios, a landlord may require additional and documented security from a guarantor, or in the form of an **additional security deposit** [pursuant to Subsection 30.01.087 A]. The landlord should communicate this conditional approval in writing, and indicate the amount of additional security. An applicant will have no less than 48 hours to accept or decline this opportunity. If a landlord requires additional security from a guarantor, the landlord may require the guarantor to demonstrate financial capacity.

If the guarantor is a friend or family member, the landlord cannot require the guarantor to have income greater than three times the rent amount. The guarantor agreement may not exceed the term of the Rental Agreement.

# Additional Screening

In conjunction with the **General Screening**, a landlord may apply additional screening criteria beyond income and identity verification.

A landlord may apply either the predefined **Low-Barrier** screening criteria, or their choice of screening criteria (**Landlord Choice**). Landlords are encouraged to apply screening criteria that is consistent with, or less prohibitive than, the Low-Barrier screening criteria.



If charging a screening fee, all screening criteria must be defined and described in the notice of unit availability.



## Applicant Tip

### Concerned about negative screening results?

You can provide Supplemental Evidence to explain, justify or negate the relevance of potentially negative information revealed through screening.

This could be in the form of:

- personal letters,
- documents from a community organization,
- proof of participation in a substance treatment program, or
- anything else you believe to be relevant.

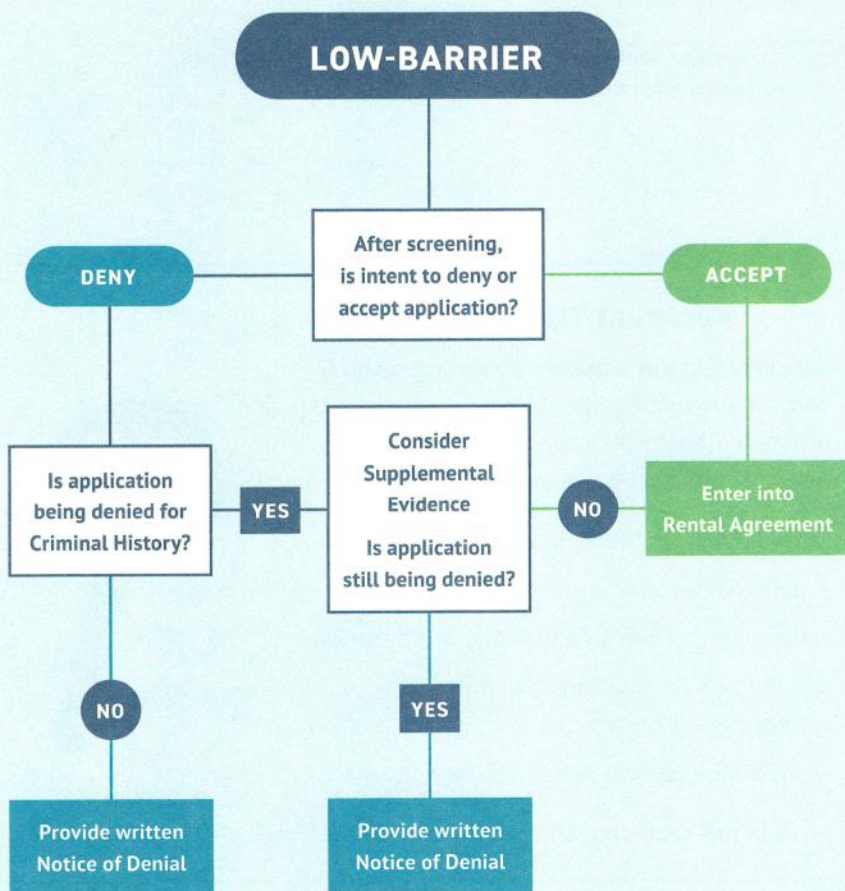
Include this with your completed application.





# Low-Barrier vs. Landlord Choice

If applying additional screening criteria, a landlord has two options:

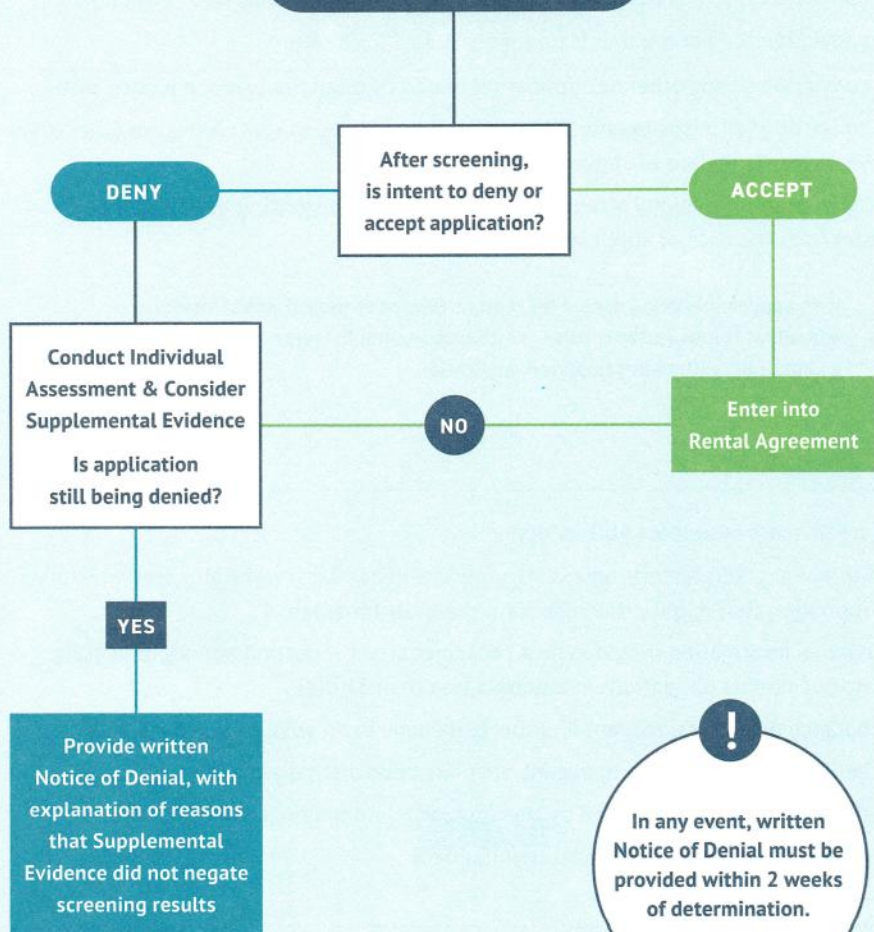


■ Path to Rental Agreement

■ Path to Written Notice of Denial



## LANDLORD CHOICE



## A. Low-Barrier Screening Criteria

*When applying Low-Barrier screening criteria, a landlord agrees not to reject an applicant for the following aspects of their criminal, credit, or rental histories:*

### Criminal History

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1. An arrest that did not result in conviction, unless pending on the date of application
2. Participation in, or completion of, a diversion or a deferral of judgment program
3. A conviction that has been judicially dismissed, expunged, voided or invalidated
4. A conviction for a crime that is no longer illegal in Oregon
5. A conviction or any other determination issued through the juvenile justice system
6. A conviction for misdemeanor offenses for which dates of sentencing are older than 3 years from the date of application\*
7. A conviction for a felony offense for which dates of sentencing are older than 7 years from the date of application\*



**If an applicant is being denied for reasons related to their criminal history, a landlord is required to consider any Supplemental Evidence provided by an applicant with their completed application.**

### Credit History

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1. A credit score of at least 500 or higher
2. Insufficient credit history, unless an applicant in bad faith withholds credit history information that might otherwise form the basis for a denial
3. Negative information provided by a consumer credit reporting agency indicating past-due unpaid obligations in amounts less than \$1,000
4. A balance owed for prior rental property damage in an amount less than \$500
5. A bankruptcy, filed by the applicant, that has been discharged
6. A Chapter 13 Bankruptcy filed by the applicant, and under active repayment
7. Medical or education/vocational training debt



**Best Practice** While not required, it's best practice to consider any Supplemental Evidence provided for rental history and credit history.

## Rental History

1. An action to recover possession, if action:
  - a) was dismissed or resulted in a general judgment for the applicant before the application was submitted;
  - b) resulted in a general judgment against the applicant, that was entered 3 or more years before date of the application; or
  - c) resulted in a general judgment against the applicant, that was entered fewer than 3 years before the date of application if 1) termination of tenancy [upon which action was based] was without cause, or 2) if judgment against applicant was a default judgment due to failure to appear, and applicant can present credible evidence that they had already vacated the unit at the time the notice was served
  - d) a judgment or court record that was subsequently set aside or sealed pursuant to procedures in state law
2. Any information that a landlord obtains from a verbal or written rental reference check, with the exception of:
  - a) defaults in rent;
  - b) three or more material violations of a rental agreement within one year prior to the date of application, and that resulted in notices issued to the tenant;
  - c) an outstanding balance due to a landlord; or
  - d) lease violations that resulted in termination with cause
4. Insufficient rental history, unless applicant in bad faith withholds rental history information



**In applying Low-Barrier screening criteria, a landlord is required to comply with all applicable Federal, State, and Local Laws.**



## B. Landlord Choice Screening Criteria

### Acceptance of an Application

When a landlord applies their choice of screening criteria (**Landlord Choice**) and accepts an application, no additional assessment is required.

### Intent to Deny an Application

When a landlord applies their choice of screening criteria and intends to deny an application, if any single criterion is more prohibitive than any of the Low-Barrier screening criteria, the landlord is required to conduct an **Individual Assessment** before issuing a denial to the applicant.

#### ► Conducting the Individual Assessment

An individual assessment requires a landlord to consider the context around negative application components. It is also an opportunity for an applicant to explain why they should be accepted in spite of a disqualifying component of their application. There is no standard form or template for an Individual Assessment. If a landlord has questions, they should seek legal guidance.

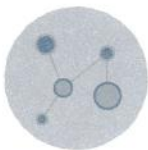
#### ► Consideration of Supplemental Evidence

When conducting an Individual Assessment, a landlord is required to accept and consider all **Supplemental Evidence** that an applicant provides (with their completed application) to explain, justify, or negate the relevance of potentially negative information revealed through screening.

When conducting an Individual Assessment, a landlord must consider Supplemental Evidence and:



1. The nature and severity of the incidents that would lead to denial;



2. The number and type of incidents;



3. The time that has elapsed since the date the incidents occurred; and



4. The age of the individual at the time the incidents occurred.



# Denials, Appeals & Acceptance

## A. Denials

### Denials in General

A landlord may deny any applicant or non-applicant tenant in accordance with requirements of 30.01.086 and all applicable federal, state, and local laws.

### Denial with Low-Barrier Criteria

When denying an applicant using Low-Barrier screening criteria, a landlord is required to provide a written **Notice of Denial**, with a statement of the reasons for denial. Before denying an applicant for criminal history, a landlord must consider the Supplemental Evidence provided by the applicant, if submitted with their application.

### Denial with Landlord Choice of Criteria

When denying an applicant using Landlord's Choice of screening criteria, a landlord must conduct an **Individual Assessment** of the applicant (see page 16). After performing the assessment, including consideration of Supplemental Evidence, a landlord may deny an applicant, so long as:

- Denial is non-discriminatory in accordance with Fair Housing Act;
- Denial is in accordance with **general screening process** and all other applicable federal, state, and local laws;
- The landlord provides written **Notice of Denial** to the applicant within two weeks of denial, and includes an explanation of the basis for denial, as well as an explanation of the reasons that the Supplemental Evidence did not adequately compensate for the factors that informed the landlord's decision to reject the application; and
- Written Notice of Denial is issued to the applicant by the landlord.

### Communication of Determination

Within 2 weeks of evaluation, a landlord is required to provide **written communication of the determination**—acceptance, conditional acceptance, or denial. In the case of conditional acceptance or denial, the basis for the decision must be described.



All city requirements are in addition to state requirements; see ORS 90.304.

## Disability-Related Modification Requests & Denials



An applicant's request for reasonable modification or accommodation for a disability, or the nature of a modification or accommodation requested, may not be a factor for denial of an application.

In addition, an applicant may not be denied housing based solely on a landlord's denial of a modification request. If a requested modification is denied:

- The landlord is required to provide the applicant two successive 24-hour periods within which to request alternative modifications.
- If no reasonable modification can be made, the applicant, if otherwise eligible, may accept the unit without modification.

### What if a non-applicant tenant is denied?

If an applicant qualifies for a unit, a landlord may not deny that applicant based on the denial of a non-applicant tenant who the applicant included on their application. Instead, a landlord is required to allow the qualifying applicant to accept the unit without the non-applicant tenant.

### What does a Notice of Denial need to include?

Written Notice of Denial must meet the requirements of ORS 90.304, and include a statement of the reasons for denial. If using Landlord's Choice of screening criteria, it must include an explanation of the reasons for denial, as well as an explanation of the reasons that the Supplemental Evidence did not adequately compensate for the factors that informed the landlord's decision.

## B. Appeals

*A landlord is required to offer an opportunity for appeal, for 30 days following the denial of an application. The appeal process must:*

1. Provide an opportunity to correct, refute, or explain negative information that formed the basis of the denial;
2. Prequalify the applicant for rental opportunities at landlord's properties for 3 months following the date that the landlord approves an application reviewed on appeal; and
3. Waive the applicant screening fee for 3 months following the approved appeal. Prior to waiving the screening fee, the landlord may require the applicant to self-certify that no conditions have changed from those described in the landlord's approved application.

## C. Approval & Acceptance

Upon landlord approval and applicant acceptance of a unit, the landlord and applicant are required to enter into a **Rental Agreement**. A landlord may also require all adult tenants to sign **Rules of Residency**.



The law controlling Application and Screening requirements is subject to change. Landlords and tenants are encouraged to stay appraised of the current state of the law.



# Exemptions

*These requirements do not apply to a leasing process for units that are:*

1. Regulated as affordable housing by a federal, state or local government for households that earn no more than 80 percent of the median household income and are subject to the Multnomah County Coordinated Access System or formal referral agreement between a landlord and a non-profit service provider or government agency working to place low income or vulnerable tenants into housing;
2. Not rented to, or advertised for rental to the general public—which includes advertisements on online platforms with or without a fee; or
3. Shared with a landlord using the Dwelling Unit as a primary residence, where the Dwelling Unit is defined by PCC 33.910, and not by ORS 90.100; or shared with an existing tenant with a separate Rental Agreement for the same Dwelling Unit, where the Dwelling Unit is defined by PCC 33.910, and not by ORS 90.100; or
4. Tenancies where the applicant would occupy one Dwelling Unit in a Duplex where the landlord's principal residence is the second Dwelling Unit in the same Duplex; or
5. Tenancies where the applicant would occupy an Accessory Dwelling Unit, as defined by PCC 33.205, that is subject to the Act in the City of Portland so long as the owner of the Accessory Dwelling Unit lives on the site, or Tenancies where the owner occupies the Accessory Dwelling Unit and the Dwelling Unit the Applicant would occupy is on the site.

*Note: Wherever local, state, or federal funding or loan requirements for tenant screening conflict with any portion of Section 30.01.086, funding or loan requirements will take precedence over only those portions in conflict.*

## Failure to Comply

A landlord that fails to comply with any of these requirements is liable to applicant for an amount up to \$250 per violation plus actual damages, reasonable attorney fees and costs. Any applicant materially harmed by a landlord's intentional noncompliance has a cause of action in any court of competent jurisdiction for damages and other remedies, as may be appropriate.





If you believe you have been harassed or discriminated against because of your race, color, national origin, religion, gender, familial status, disability, marital status, source of income, sexual orientation including gender identity, domestic violence, type of occupation, or age over 18 seek legal guidance regarding your rights under Fair Housing law.

For translation or interpretation, please call 503-823-1303

TTY at 503-823-6868 or Oregon Relay Service at 711

503-823-1303: Traducción e interpretación

Chuyển Ngữ hoặc Phiên Dịch | 翻译或传译

Письменный или устный перевод | 翻訳または通訳

Traducere sau Interpretare | 번역 및 통역

Письмовий або усний переклад | Turjumida ama Fasiraadda

الترجمة التحريرية والشفوية | ການແປພາສາ ຫຼື ການອະທິບາຍ

This requirement is in addition to any other rights and responsibilities set forth in the Oregon Residential Landlord and Tenant Act under Oregon Revised Statute Chapter 90, and Portland Landlord-Tenant Law under Portland City Code Title 30.

*The information in this form is for educational purposes only. You should review appropriate state statute, city code, and administrative rule as necessary. If you need legal guidance, or are considering taking legal action, you should contact an attorney.*

Find full Administrative  
Rules, forms, and other  
documents online at

**portland.gov/rso/  
application-screening**

## Have Questions?

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### Rental Services Office Helpdesk

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