

Dear LPS Clients,

Due to the new HUD Disparate guidelines for criminal records a new process for your screening of your applicants must be implemented. This guideline is a fluid situation as even the enforcers of this guideline can't agree on a best practice yet. You might want to contact your attorney to get further information. Here are the suggested steps.

First do not impose blanket bans on renting to those with criminal History or Arrest. The Washington State Attorney General's Office says it's racially discriminatory to use a conviction against a potential tenant. (AP)2016 Cox Media Group.

If asked if you deny applicants due to criminal records you should tell them to first read your criteria and then apply. In no way shape or form should the words "automatic denial" due to criminal records ever be spoken. Always point them to the application and criteria and ask them to apply. Let them know each applicant will go thru and "individual assessment" and will be reviewed per the criteria.

If you find during the screening process that a criminal record is reported then you must provide the opportunity for the applicant to address/ discuss present mitigating circumstances regarding criminal history, BEFORE Landlord decides acceptance or denial. You must do an "individual assessment" of the added requested information. Send them the Adverse Action Notice/Consumer Rights Letter and also the Individual Assessment Letter.

The information you will want to investigate is as follows.

1. Look at only for the risk that the applicant may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents.
2. Look at the degree of violence, if any
3. Length of time since conviction
4. Number of convictions in criminal history
5. If applicant is now recovered for an addiction
6. If applicant was under the influence of drugs/alcohol during the time of offense
7. Any rehabilitation efforts were made since the conviction
8. Age of conviction versus current age and what has occurred since date of conviction

Prove you looked hard and long at the criminal records to make sure they are crimes for: Bodily harm and or Property Damage.

Be sure to train staff who interact with applicants on current Fair Housing policies.

Have your attorney review your criteria relating to criminal conduct.

Again, this is a fluid situation with this guideline and there are sure to be more changes but we want you to be proactive and know that there are now compliance officers shopping all of us right now! So be vigilant in this matter.