

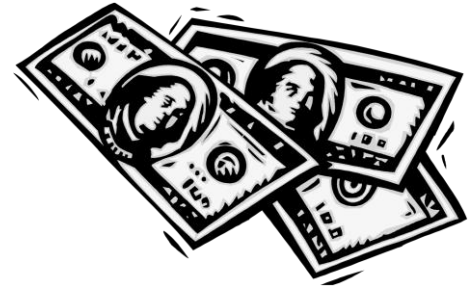


## Tenant Screening

### What is a tenant screening agency? What do they look at?

Many landlords use tenant screening agencies to check out tenants. The screening agency gets information about tenants and sells it to landlords. They check things like:

- If you have eviction cases against you
- Your addresses for the last 3 years
- What old landlords say about you
- Your credit to see if you have any unpaid bills
- If you have a criminal record. Tenant screening agencies have to check MN court files and update their records before they send the report to a landlord. They have to do this 24 hours or less before they send the report.



**Note:** If you are a renter in Minneapolis, the information about you that some landlords can use in tenant screening changed. The city has info on their website at:

<https://www.minneapolismn.gov/resident-services/property-housing/renting/renters/rights/#d.en.132379>.

### Do I get my application fee back?

Landlords often charge application fees. They must give you a receipt for it. If a landlord charges an application fee, they have to tell you what criteria they use to decide if they want to rent to you or not. Criteria are a list of things they look at like credit, or rental history.

If your application is rejected, most of the time you do not get your application fee back. But the landlord has to return the application fee to you if:

- They don't use it to buy a screening report, credit report, or to check references
- The apartment is given to someone who applied before you
- They reject your application based on criteria you were not told about when you applied

### How far back does my tenant screening report go?

Tenant screening agencies can only report unpaid bills and evictions for 7 years. Bankruptcies are reported for 10 years. Criminal convictions can be reported forever, but arrests and other police records can only be reported for 7 years.

Evictions (sometimes called unlawful detainers or UD's) are reported for 7 years by screening agencies. An eviction case is a public record. It shows up on your tenant screening report when it is filed. It can show up even if you win the case, settle the case, move, or pay all of the rent you owe. Some eviction cases are expunged after a settlement. They may also be expunged if the case is dismissed. It's up to the court. Sometimes you can negotiate to make it private if your landlord agrees.

**Note:** Evictions can show up on **public court records** for much longer than 7 years.

If the Court expunges your eviction case, then tenant screening agencies can't report it. When a case is expunged, the Court erases the public record of it.

A landlord can't turn down your application if:

- you have an eviction case that is expunged or destroyed or
- you have a pending eviction case or an eviction that is not public or
- you have an eviction, but the court did not issue a writ of recovery or order to vacate

To find out how to ask the Court for an expungement see our fact sheet [Expunging an Eviction Case](#).

### **Can I do anything else about evictions on my record?**

You can put a statement on your screening report that explains the eviction. For example, you can explain that you lost your job and could not pay the rent, but that you have been working since then. Or you can explain that someone caused a problem, but that person no longer lives with you. **Say what has changed in your life so that whatever caused you to get an eviction won't happen now.**

The screening agency must put your statement with any new report about you that it sends out. You can also make the screening agency send the statement to any landlord who got a report on you in the last 6 months.



### **How do I see my tenant screening report?**

The landlord must tell you the screening agency's name, address, and phone number when you apply. The landlord can show you the report if they want to. The agency can't make the landlord keep the report private.

If the landlord won't give you a copy, then get it from the tenant screening agency. You might be able to get your report online right away. Check the tenant screening agency's website. The landlord may have a phone number or email for the tenant screening agency.

## How much does a report cost?

The report is free if:

- You were turned down for a place, or your rent or security deposit went up in the last 30 days because of the report or
- You do not have a job but are applying for one in the next 60 days or
- You get public assistance, such as SSI, RSDI, MFIP, GA, Food Stamps (SNAP), or
- You think the report has things that are wrong due to fraud

Otherwise, there may be a small fee. This depends on the agency.

## Can I see my report before I apply for housing?

Most screening companies do not keep files on tenants. If the company has never done a report on you, they will not have one to show you. Do not ask for a report until you have been turned down for an apartment because of a report.

## What does the agency send me?

After you contact the agency, they have 5 business days to send you:

1. All information that is in your file when you ask for it (this is usually the tenant screening report)
2. Where they got the information (the name, phone number, and address of anyone who gave facts about you)
3. The names of all landlords who got a copy of your report in the past year **and**
4. A statement of your legal rights.



## What if I find mistakes in the report?

You have the right to fix any mistakes.

- Write a letter to the screening agency saying what facts are wrong. The more detail you give, the better. For example, if an eviction in the report does not belong to you, tell them where you lived when the eviction was filed. Keep a copy of your letter.
- The agency must check every fact you say is wrong. They can't charge you for doing this. They must fix your report and take out facts they cannot prove within 30 days of getting your letter.
- The agency can refuse to check if you do not give them enough information. The agency has to tell you if they refuse to check. If that happens, send another letter giving them more details.
- When the agency is done checking, they have to give you a copy of your new report or tell you they did not find any mistakes.

- You can have the tenant screening agency send the fixed report to all landlords who got the one with mistakes in it in the last 6 months.
- **If you disagree** with the investigation, **you can add a “dispute statement”** to your report. The agency can limit your explanation to 100 words. In the statement, you say why you disagree with facts in the report. The agency has to send this statement to new landlords. If you ask, they also have to send it to any landlords who got your report in the last 6 months.

### **What should I do when I apply for housing?**

- Tell the truth. If you have evictions or other bad facts on your record, tell the landlord. Landlords can evict tenants if they lie about certain information on rental applications. **Before you pay an application fee, ask if you have a chance for the apartment.**
- Try to get a good reference from your current landlord. If they won’t give you one, get a letter of recommendation from an employer or someone else who knows you.



***Fact Sheets are legal information NOT legal advice. See a lawyer for advice.***

*Don't use this fact sheet if it is more than 1 year old. Ask us for updates, a fact sheet list, or alternate formats.*

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