

BULLETIN: OREGON

A BRIEF REVIEW OF OREGON'S AMENDMENTS TO THE RESIDENTIAL LANDLORD AND TENANT LAWS AND THEIR IMPACT ON TENANT SCREENING

In direct response to the COVID-19 pandemic, the Oregon State Legislature enacted a series of amendments, including amendments to the Residential Landlord and Tenant Laws, in a bill commonly known as Senate Bill 282 (the “Amendments”).¹ The tenant screening amendments discussed here became effective on May 19, 2021 and expire on January 2, 2028.

This Bulletin addresses the impact of these Amendments on tenant screening, but the Amendments also impact other housing provider responsibilities in Oregon not discussed here. Housing providers should review all of the Amendments and determine which ones apply to them and when.

THE AMENDMENTS RESTRICT USE OF COVID-19 RELATED EVICTION AND RENTAL PAYMENT HISTORY IN TENANT SCREENING

Oregon’s Residential Landlord and Tenant Laws are amended to prohibit housing providers from evaluating a prospective tenant based on:

- An action to recover possession that resulted in a general judgement against the applicant and was based on claims that arose on or after April 1, 2020 and before March 1, 2022; or
- An applicant’s unpaid rent, including rent reflected in judgments or referrals of debt to a collection agency, that accrued on or after April 1, 2020 and before March 1, 2022.

HOW CAN LANDLORDS EVALUATE THEIR TENANT SCREENING PROCESSES IN LIGHT OF THE AMENDMENTS?

- Customize your screening procedures to ensure that you do not take adverse action against applicants based on rental payment and eviction records that occurred within the COVID-19 timeframe. Your Account Manager can give you information on RentGrow’s automatic pandemic era filters, which will exclude most of these records from consideration under your screening policy.
- And most importantly, talk to your compliance and legal teams in addition to your screening provider about your applicant qualification criteria, the quality of the data you are receiving, and the importance of ensuring you are meeting all applicable federal, state, and local laws and regulations, including the maximum possible accuracy standard under the Fair Credit Reporting Act (FCRA).

CONCLUSION

During these unprecedented times, jurisdictions around the country are enacting new and expanded laws to help consumers who are experiencing financial difficulties during the pandemic era. Some of those new and expanded laws, like Oregon’s Amendments, focus on protecting consumers who have experienced housing-related consequences from the COVID-19 pandemic, such as late payments or evictions. Housing providers must pay close attention to their screening criteria and the applicant information they consider to ensure compliance with these and other laws when making rental decisions.

This Brief Review was prepared for general information purposes only, does not constitute legal advice, must not be acted upon as such, and is subject to change without notice. Always consult a lawyer or qualified housing expert for legal or compliance advice.

¹ See <https://olis.oregonlegislature.gov/liz/2021R1/Downloads/MeasureDocument/SB282/Enrolled>.