



ORD 20-14 -- SECTION 193.04

POLICY BULLETIN

EFFECTIVE DATE: MARCH 1, 2021

TENANT SCREENING GUIDELINES

POLICY PURPOSE:

The Tenant Screening Guidelines policy ensures fair access to housing by creating uniform screening criteria guidelines for applicants related to the use of rental, criminal, and credit history.

INTENDED AUDIENCE:

The City of Saint Paul is providing this guidance to rental property Landlords to support compliance with these new regulations.

APPLICABILITY:

This section (193.04) applies to all rental properties located within the City of Saint Paul and to all Lease agreements whether written or oral.

CONTACT:

For more information or to ask a question, please visit the [City of Saint Paul S.A.F.E. Housing page](#).

S.A.F.E. HOUSING SAINT PAUL DOCUMENTS:

- Just Cause Notice
- Advance Notice
- Security Deposits
- S.A.F.E. Housing At A Glance
- StPaul.gov/SAFE

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Tenant Screening Guidelines

Section 193.04 of Ordinance 20-14 establishes the following regulations pertaining to applicant screening guidelines for prospective Tenants.

- 1 Before accepting an application or application fee for rental housing, **Landlords** must provide the applicant with the **Screening Criteria**.
- 2 The Screening Criteria must reflect the Uniform Screening Guidelines established in Section 193.04.

Section 193.04 does not prevent or prohibit a Landlord from screening prospective **Tenants**.

- » Landlords are still required to follow both city and state requirements related to the charging, acceptance and return of Rental Application Fees. See MN Attorney General guidance on Screening fees.
- » Section 193.04 does not prevent or preclude Landlords from utilizing less restrictive Screening Criteria.



NEW REQUIREMENT:

Section 193.04 establishes the guidelines for use of the following information in rental screening:

1. Criminal history
2. Rental history and income guidelines
3. Credit history and **Credit Score**



REMINDER:

Section 193.04 should not be read as an exclusive list of the criteria that must apply for your property. Landlords are still required to establish Screening Criteria for prospective Tenants that adhere to the guidelines established in this section.

FOR A LIST OF DEFINED TERMS, REFER TO PAGE 5.



Uniform Screening Guidelines

What are the Uniform Screening Guidelines? Criteria that CAN and CANNOT disqualify an applicant.



TENANTS CAN BE SCREENED FOR:



RENTAL HISTORY:

- Rental references
- **Eviction** occurring within last 3 years



CREDIT HISTORY:

Relevant credit history (debt to former Landlord or utility)



CRIMINAL HISTORY:

- Federal or state regulations, including:
 - Controlled Substances Act (21 U.S.C. 802)
 - Lifetime sex offender registration
- **Misdemeanors** with a sentencing date within the past 3 years
- All felonies with a sentencing date within past 7 years
- Select felonies with a sentencing date within the past 10 years
- See details on pg. 3

OTHER SCREENING CRITERIA:

- Income
 - Minimum income test
- ID verifications
- Other criteria defined by the Landlord



TENANTS CANNOT BE SCREENED FOR:



RENTAL HISTORY:

- Evictions occurring three or more years prior
- Insufficient rental history



CREDIT HISTORY:

- Credit score
- Insufficient rental history (first time renter, no rental history)



CRIMINAL HISTORY:

- Arrests or Charges without a **Conviction**
- Participation in or completion of a diversion or deferral program
- Any conviction that has been vacated or expunged
- Any conviction for a crime that is no longer illegal in the state of MN
- Any conviction or adjudication in the juvenile justice system
- **Petty Misdemeanors**
- Traffic offenses

Uniform Screening Guideline Details

SECTION

DETAILS – Items that cannot be used as the basis for disqualification



RENTAL HISTORY AND INCOME GUIDELINES

a. Evictions

- 3 years old or older
- Less than three years but did not result in a judgment against the applicant

b. Insufficient rental history (first time renter, no rental history)

Unless the applicant withholds relevant rental information in bad faith

c. Minimum income test - If you require the applicant to make 2.5 times the rent or higher, the applicant can provide supplemental information to request an exception to this requirement

You must allow an exception if the applicant can demonstrate a history of successful rent payment with the same or lower ratio of income to rent of a comparable rent amount



CREDIT HISTORY AND CREDIT SCORE

a. No use of the numeric credit score as a screening tool

You may use relevant credit information like debts owed to previous landlords or utility companies

b. Insufficient credit history (no credit, thin credit file)

Unless the applicant withholds relevant credit information in *Bad Faith*



CRIMINAL HISTORY

a. Arrests or Charges without a conviction

b. Participation in or completion of a diversion or deferral program

c. Any conviction that has been vacated or expunged

d. Any conviction for a crime that is no longer illegal in the state of MN

e. Any conviction or adjudication in the juvenile justice system

f. Petty Misdemeanors

g. Traffic offenses alone

Limited Lookback Period

h. Misdemeanors and Gross Misdemeanors with a **Date of Sentencing** 3 years old or older

i. **Felony** (ALL, except those listed in j. below) with a date of sentencing 7 years old or older

j. **Felony** (ONLY offenses listed below) with a date of sentencing 10 years old or older

- first-degree assault (Minnesota Statutes section 609.221)
- first-degree arson (Minnesota Statutes section 609.561)
- aggravated robbery (Minnesota Statutes section 609.245)
- first- third degree murder (Minnesota Statutes section 609.185, 609.19, 609.195)
- first-degree manslaughter (Minnesota Statutes 609.20)
- kidnapping (Minnesota Statutes section 609.25)
- first-degree criminal sexual conduct (Minnesota Statutes section 609.342)

EXCEPTIONS:

- 1. Extended Jurisdiction Juvenile Prosecutions:** Extended jurisdiction juvenile prosecutions Minn. [Stat. § 260B.130](#), can be considered in screening. The level of offense will determine the allowable use or lookback period.
- 2. Traffic Crimes:** If a reckless driving, driving without a license, driving with a suspended or revoked license or DUI resulted in additional charges for injury to a person, that offense can be considered in screening. The level of offense will determine the allowable use or lookback period.
- 3. Federal Exemptions:** A Landlord may deny an applicant who has been convicted of the illegal manufacture or distribution of a controlled substance as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802), or; for those same offenses that mandate denial of tenancy in federally assisted housing subject to federal regulations, including but not limited to when any member of the household is subject to a lifetime sex offender registration requirement under a state sex offender registration program. [Nationwide database](#).
- 4. Conflict:** Whenever local, state, or federal funding or loan requirements conflict with any portion of Chapter 193, those funding or loan requirements will take precedence over only those portions in conflict. Conflict should be read to mean that adhering to a requirement of this Chapter will result in the Landlord and/or property being out of compliance with a specific local, state, or federal funding or loan requirement.



ENFORCEMENT:

- 1. Legislative Code:** Chapter 193 of the Legislative Code (Title XIX) pertaining to Tenant Protections will be monitored and enforced by the City of Saint Paul Office of Financial Empowerment and the Department of Human Rights and Equal Economic opportunity
 - a.** If a violation of an ordinance occurs, then the Landlord is subject to Section 1.05 of the Legislative Code. Section 1.05 provides that a violation of any provision of the Legislative code is a misdemeanor, punishable by a fine not to exceed seven hundred dollars (\$700.00) or imprisonment for a term not to exceed ninety (90) days, or both. [Click here for more information](#).
- 2. Private Right of Action Created:** Any Tenant aggrieved by a Landlord's noncompliance with Chapter 193 has the right to file a lawsuit in court.

* DEFINITIONS

For the purposes of this bulletin, the terms referenced below have the following meaning.

Arrest: Taking a person into custody that the person may be held to answer for a public offense. Arrest includes actually restraining a person or taking into custody a person who submits.

Bad Faith: Intent to deceive or omit.

Charge: An unproven claim, citing “probable cause” that a person committed a crime.

Conviction: Any of the following accepted and recorded by the court:

1. a plea of guilty; or
2. a verdict of guilty by a jury or
3. a finding of guilty by the court.

Credit Score: A number between 300–850 that depicts a consumer’s creditworthiness.

Date of Sentencing: The date a court enters a sentence against a defendant.

Eviction: A summary court proceeding to remove a Tenant or occupant from, or otherwise recover possession of, real property by the process of law, pursuant to Minn. Stat. Ch. 504B.

Felony: A crime for which a sentence of imprisonment for more than one year may be imposed.

Gross Misdemeanor: Any crime which is not a felony or misdemeanor. The maximum fine which may be imposed for a gross misdemeanor is \$3,000.

Insufficient: Not sufficient; not enough; lacking in what is necessary or required.

Landlord: The property owner or agent of the property owner.

Lease: An oral or written agreement creating a tenancy in real property.

Limited Lookback Period: The length of time in which the sentencing date of an offense restricts its use in rental screening

Misdemeanor: A crime for which a sentence of not more than 90 days or a fine of not more than \$1,000, or both, may be imposed.

Petty Misdemeanor: A petty offense, which is prohibited by statute, which does not constitute a crime and for which a sentence of a fine of not more than \$300 may be imposed.

Rental Application Fee: A fee paid by the potential Tenant to a Landlord, in order for the Landlord to screen the background of the potential Tenant before signing the Lease.

Screening Criteria: The criteria on which the decision to rent to a prospective Tenant will be based.

Tenant: An authorized occupant of a residential rental building under a Lease or contract, whether oral or written.

FREQUENTLY ASKED QUESTIONS, SEC. 193.04 - TENANT SCREENING GUIDELINES

How do I get information on a Tenant’s background?

Landlords often charge application fees and utilize Tenant screening companies to obtain information on an applicant. Screening companies can provide you with reports based on the type of information you are looking to review. This information should align with your Tenant Screening Criteria. See the [Rental Application and Screening Guidance](#) for more information.

Can I still utilize a rental reference?

Yes, Landlords may still request a rental reference from an applicant and use that information in your applicant screening process, so long as the screening process is compliant with Sec. 193.04 (Applicant Screening). The Landlord should document how a rental reference will be used and what information may result in an application being denied.

Is there certain credit information I cannot use?

Yes, there are new requirements to how credit history can be used in Tenant screening. A Landlord cannot disqualify an applicant based on the Credit Score itself or information that is not related to an applicant’s housing history. A Landlord can use relevant information from the credit report like debt to a previous Landlord or money owed to a utility company.

Do I have to use all of these criteria while screening?

No, a Landlord is not required to use any specific set of information as the Screening Criteria. The criteria cannot reflect criminal, rental or credit requirements that are more restrictive than the requirements established in this section.

What supporting documentation should I accept for the rent-to-income ratio exception?

If an applicant is requesting an exception be made for the rent to income payment ratio, a Landlord might consider requesting documentation in the form of paystubs, rent receipts, a rent payment ledger, a previous Lease agreement or a previous Landlord verification.

Can my lookback period be shorter than what these guidelines say?

Yes, a Landlord can establish shorter lookback periods or less restrictive Screening Criteria for their property.

How do I legally deny an applicant?

If a Landlord denies a rental housing application, they must provide the applicant with a written notice of denial within 14 days. The notice must include the basis for the disqualification. See the [Rental Application and Screening Guidance](#) for more information.

Can I request an applicant have a cosigner or guarantee?

Yes. A cosigner or guarantee is usually requested when an applicant does not meet the screening requirement on their own. You can continue to utilize this option in these instances.



Policy Context: The City of Saint Paul is a majority renter city with more than 57,000 households renting their homes. On July 8, 2020, The City of Saint Paul passed S.A.F.E. Housing Saint Paul, a set of stable, accessible, fair, and equitable policies geared at increasing housing access, decreasing housing displacement and affirmatively furthering fair housing. Ordinance 20-14 creating Chapter 193 of the Saint Paul Legislative Code (Title XIX) includes Tenant Rights and Responsibilities Information, Security Deposit Limitations, Tenant Screening Guidelines, Just Cause Notice and Advance Notice of Sale provisions. Please visit StPaul.gov/SAFE to learn more.