

Tenant screening: Your rights

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If you're looking for an apartment, house, or mobile home to rent, read this to learn about Washington State's laws that landlords must follow when screening your tenant application.

Form attached:

Adverse Action Notice (NJP Housing 601)

If you apply to rent a place to live, the landlord may screen you. **Screening** means the landlord checks into your background to decide if they want to rent to you.

In most cases, the landlord will ask for a screening report from a tenant screening company. Tenant screening companies search through court records, credit reports, and other databases to create a report about you.

In Washington State, landlords who screen tenants must follow the requirements of RCW 59.18.257 (<https://app.leg.wa.gov/RCW/default.aspx?cite=59.18.257>).

What will I learn from reading this?

You will learn:

- What the landlord must tell you about the screening process
- How much the landlord can charge you for screening expenses
- What you can do if you disagree with the information the landlord used to screen you
- What you can do if the landlord doesn't follow the law

What is the landlord supposed to tell me about the screening process?

Before you turn in your rental application, a landlord must tell you in writing:

- What kind of information the landlord will get from screening you
- What information from the screening may cause the landlord to turn down (to deny) your application

If the landlord uses a consumer report or professional tenant screening company, the landlord must also tell you:

- The reporting company's name and address
- That you have a right to a free copy of the consumer report if the landlord rejects your application
- That you have a right to challenge (to dispute) the information in the report, if you believe it is wrong

The landlord must give you this information in writing along with the application, or they must post it, usually in the property management office where they give you the application.

The landlord cannot just tell you this information verbally in person or in a phone call. It must be in writing.

If the landlord does not give you the required information, but then denies your application based on information in a screening report, you may sue the landlord for violating RCW 59.18.257 (<https://app.leg.wa.gov/rcw/default.aspx?cite=59.18.257>). A judge in Small Claims Court could award you up to \$100, plus court costs and attorneys' fees.

Does the landlord have to tell me if they denied my application based on information they found while screening me?

Yes. The landlord must tell you in writing why they denied your application. This is called an "Adverse Action Notice" and is required by RCW 59.18.257(c) (<https://app.leg.wa.gov/rcw/default.aspx?cite=59.18.257>).

The landlord must also give you this notice if they approve your application but take another kind of adverse action (unfavorable or harmful) against you based on the information they found while screening you. Common adverse actions include:

- Requiring you to have someone to sign the lease with you (co-sign the lease)
- Requiring you to pay more rent or deposit.

The written notice the landlord gives you should have largely the same information in our sample Adverse Action Notice.

Can the landlord charge me to screen me?

Yes, but:

- only if the landlord also gives you the required information above, in writing, and
- the landlord must only charge you for the actual cost of the screening and not more. The actual cost is how much the tenant screening company charges the landlord, and not more.

How much can the landlord charge me to screen me if they don't use a tenant screening company?

A landlord who does their own screening instead of hiring a screening company can charge you for the time they spent calling your past and present landlords, employers, and banks.

The landlord cannot charge any more than what a local screening service would normally charge.

How is a screening fee different from a holding fee?

When you apply, the landlord may ask for a holding fee that ensures they won't rent the unit to someone else while they process your rental application. A holding fee cannot be more than 25% of the first month's rent amount.

Before you pay a holding fee, the landlord must give you a receipt and a written statement of the conditions where they would keep the fee.

If you decide not to move in after paying the holding fee, the landlord may keep the fee. If you do move in, the landlord must apply the holding fee to the amount of the security deposit or first month's rent. You may sue a landlord who wrongly keeps the holding fee if you move in, for 2 times the fee plus attorney fees.

While a landlord can charge a potential tenant a fee to hold the unit before you sign a lease and moves in, the landlord cannot charge you a fee simply for the privilege of being placed on a waiting list.

You can read the RLTA section about holding fees at [RCW 58.18.253](https://app.leg.wa.gov/RCW/default.aspx?cite=59.18.253).
(<https://app.leg.wa.gov/RCW/default.aspx?cite=59.18.253>) Waiting list fees are prohibited by [RCW 59.18.253\(1\)](https://app.leg.wa.gov/rcw/default.aspx?cite=59.18.253(1)).
(<https://app.leg.wa.gov/rcw/default.aspx?cite=59.18.253>)

I have an eviction in my past. Can the landlord deny my application because of an eviction record?

Yes, but you may be able to stop an eviction record from showing up on a screening report by filing a court motion and getting an order from a judge that stops screening companies from showing the eviction record in a screening report.

Do I have any other tenant screening protections?

Yes. A landlord cannot deny your rental application or treat you differently from other tenants because your income comes from sources other than employment, such as child support, a pension, or a public benefit program like Social Security, Veterans Disability (<https://www.va.gov/disability/>), or Temporary Assistance for Needy Families (TANF (<https://www.dshs.wa.gov/esa/community-services-offices/temporary-assistance-needy-families>)).

Treating you differently from other tenants for this reason is called source of income discrimination and is illegal under state law.

Washington Law Help's Guide: My rental application was denied has more information about what to do if your applications are denied for other reasons.

Also, some cities and counties have stronger renter protections than the state law.

WashingtonLawHelp.org gives general information. It is not legal advice. Find organizations that provide free legal help on our Get legal help page.

Adverse Action Notice

Your Name

Your street address

City, state and zip

This notice is to inform you that your application has been (*landlord must check one*):

☐ Rejected

☐ Approved with conditions:_____

☐ Residency requires an increased deposit

☐ Residency requires a qualified guarantor

☐ Residency requires last month's rent

☐ Residency requires an increased monthly rent of \$_____

☐ Other:_____

Adverse action on your application was based on the following (*landlord must check all that apply*):

☐ Information contained in a consumer report (The prospective landlord must include the name, address, and phone number of the consumer reporting agency that furnished the consumer report that contributed to the adverse action.)

☐ The consumer credit report did not contain sufficient information

☐ Information received from previous rental history or reference

☐ Information received in a criminal record

☐ Information received in a civil record

☐ Information received from an employment verification

▶ _____
Agent/Owner signature

Date