

Eviction

Resident Screening

Apartment housing providers do not seek out opportunities to evict residents. The eviction process can be costly and protracted, and there is no economic incentive for owners and operators to file for eviction except as a last resort when a lease is breached. As examples, housing providers most often take this step in cases of nonpayment of rent or for jeopardizing the safety or disturbing the quiet enjoyment of others at the apartment community. Just as evictions are unfortunately a necessary part of doing business, eviction screening is an essential function which helps owners and operators mitigate risk and ensure the safety and security of residents and community staff.

Legislation placing limitations on the ability to review an applicant's eviction court records would be a significant detriment to housing providers. Federal, state and local policymakers have considered legislation that would seal eviction records beyond a certain timeframe or otherwise restrict owners from evaluating court filings. Apartment owners and operators require full access to a complete and accurate eviction history of an applicant without limitation on pending or previous filings.

Many eviction filings do not result in a judgment as the final outcome. It is important for owners and operators to be able to evaluate pending or previous filings as they show a pattern of behavior that may not be clear if owners were restricted, by law, to reviewing records of judgments alone. The full and accurate record gives owners and operators the most comprehensive picture of the renter to determine his or her ability to pay rent and fulfill other responsibilities under a lease.

Housing providers need the ability to fully evaluate an applicant because they depend on responsible renters to be able to properly manage their business. Apartment owners must fulfill their own financial obligations, including, but not limited to, maintenance, capital improvements, mortgage payments, utilities, insurance premiums, payroll and property taxes. Limitations on screening would have unintended consequences on low-income renters, resulting in greater reliance on financial records and credit scores.

NAA Viewpoint The National Apartment Association opposes all efforts to seal records or limit property owners and managers' ability to screen applicants for evictions.