

Tenant Background Checks and Your Rights

Are you looking for a new place to live or about to renew your lease? If so, you may want to know that a landlord, property manager, or other housing provider may ask a tenant background check company — also called a tenant screening company — to put together a report about you and other members of your household. That’s called a tenant background check, resident screening report, or tenant screening report. Landlords often use these reports to decide whether to rent to you. This resource includes information about tenant background checks and your rights related to them.

You can get help if you believe that a background check company or landlord has violated your rights. For example, you can contact a [local fair housing organization](#), state attorney general, [local legal aid or legal services office](#), or [other local lawyer](#).

You can complain to the Department of Housing and Urban Development’s (HUD) [Office of Fair Housing and Equal Opportunity \(FHEO\)](#) and submit a report to the [Department of Justice \(DOJ\)](#) if you think a landlord or tenant background check company illegally discriminated against you. You can also complain to the [Federal Trade Commission \(FTC\)](#) and the [Consumer Financial Protection Bureau \(CFPB\)](#), if you think a background check company included errors in your background check or if a landlord did not provide required information about the tenant background check company.

You can find information in this resource about

- [What To Know Before You Apply](#)
- [If the Landlord Makes a Negative Decision](#)
- [Other Steps To Take](#)
- [Your Rights To Be Free From Discrimination](#)
- [Where To Get Help](#)
- [Additional Information](#)

What To Know Before You Apply

When filling out an application with a tenant background check requirement, take the following steps to decrease the likelihood of errors and protect your rights:

- **Give the landlord your full name — first, middle (if you have one), and last — and date of birth.** This helps the background check company get information about the right person. The landlord will probably also ask for your Social Security number, prior addresses, and possibly other information as well.
- **Know whether you’ll pay a fee.** The landlords for most HUD-subsidized housing (including public housing and project-based Section 8, Section 202, and Section 811 housing) are not allowed to charge you a fee for an application or background check. But

most other landlords, including those accepting Section 8 housing choice vouchers, can — and usually do — charge you a fee.

Before you pay an application or background check fee, ask what information the landlord uses to decide whether to rent to you. The information that landlords might review as part of a tenant background check includes

- your name, Social Security number, date of birth, and current and past addresses
- your work and income history
- the status of your credit cards and other accounts, including payment history
- housing court records, for example, records related to eviction actions
- criminal records, including arrest, charge, and conviction records
- missed rent or other rent-related payments
- whether you've filed for bankruptcy or have been sued (whether or not the lawsuit is related to housing)

The tenant background check company might develop and share with the landlord a recommendation or score that they claim will predict what kind of tenant you will be (such as whether you will pay your rent or damage the property).

Under the Fair Credit Reporting Act, tenant background check companies cannot report most negative information — for example, most civil lawsuits and judgments, including housing court cases, and arrest records — after seven years. Bankruptcies can be reported for 10 years. However, there is no time limit for criminal convictions. Other laws, including the Fair Housing Act (FHA) and state or local laws, may have more restrictions on what tenant background check companies can report. FHA restrictions are described in more detail later.

Under the Fair Credit Reporting Act, tenant background check companies are required to take reasonable steps to ensure the information in your report is accurate. Common errors may include

- information that belongs to someone else
- incomplete information, such as how civil or criminal cases or eviction actions were resolved
- duplicate information, such as the same criminal record appearing more than once, suggesting they are separate cases
- outdated information, such as information that is legally too old to be included in a background check
- criminal record or eviction information that was sealed or expunged

If the Landlord Makes a Negative Decision

A landlord might use a background check, a score, or a recommendation from the background check company to make a negative decision, including

- reject your application
- charge you more for rent
- require you to have a co-signer
- demand you pay a larger security deposit

But you have rights if a landlord makes a negative decision about your application because of something a tenant background check company included in a report. The Fair Credit Reporting Act gives you the right to

- **Get a notice of the negative decision, called an “adverse action” notice.** The landlord must give you the notice — in writing, electronically, or orally. The notice must
 - give you the name, address, and phone number of the tenant background check company
 - tell you about your rights to dispute inaccurate information and to get a free copy of the report from the background check company if you ask for it within 60 days of the landlord’s notice to you

If they give you the notice orally, ask them if they would be willing to get you a written copy for your records.

Local law may give you more rights related to this type of notice. For example, your city may require that the landlord give you the notice in writing and may require that the landlord include in the notice the specific reason why you were rejected and a summary of the information from the tenant background check company that the landlord relied on.

- **Get a copy of the tenant background check.** You can ask the landlord if they would be willing to share the tenant background check report with you. But even if the landlord refuses, the background check company must give you a free copy of the report if you request it within 60 days of the adverse action notice. You may not see any score in the report you get from the tenant background check company, but the report must include the information any score or recommendation is based on.
- **Dispute any errors on your report.** To fix any errors, contact the background check company and tell them about the errors. Provide copies of any supporting documentation you have with your request. For example, if your report has an error in your criminal history or records from when you were evicted or sued over a housing or other issue, gather any paperwork showing how the action was resolved and provide it as part of your dispute. Let the landlord know about your dispute. For more information, check out [Disputing Errors on Your Tenant Background Check Report](#).
- **Tenant background check companies must investigate your dispute within 30 days.** The background check company must also tell you the results of the investigation in writing. If the company makes a correction to your report, give the landlord an updated report or ask the background check company to send it to the landlord.

Other Steps To Take

Errors by tenant background check companies can hurt your chances to secure housing. Take the following steps **before** applying for housing:

- **Check your credit report.** Get your free credit report and [fix any errors](#). To get your annual free credit report from the three major credit bureaus, visit AnnualCreditReport.com or call 1-877-322-8228. You don't have to buy anything or pay to fix errors. And if you have negative but correct information on your credit report, start working to [fix your credit](#) with steps you can take yourself — without paying anyone.
- **Check housing court records.** If a previous landlord filed an eviction or housing court case against you, make sure the court records show the correct outcome of the case:
 - If the court records look wrong or incomplete, you may be able to contact the court and get the court to correct any issues.
 - You may be able to get your previous landlord to submit updated or correct information to the court along with a request to the court to update or correct its records. Making this request to the landlord in writing may increase the chances of getting cooperation from your landlord.
 - You may want legal assistance to help you clean up your record. Some courts have local self-help centers that can help you. If your local court does not have a self-help center, speak with a local lawyer to discuss your options for correcting or updating information about unpaid rent, rent disputes, or evictions. [Law Help](#) is a program of [Pro Bono Net](#), a national nonprofit to help people without lawyers understand their rights and connect to help in their local community. [Check their directory](#) of free or lower cost legal help in your state.
- **Seal your records if possible.** Check to see if your city or state lets people with criminal or housing court records seal or expunge them (expunging is a way to remove court case information from law enforcement or public records.)

Your Rights To Be Free From Discrimination

In some instances, tenant background checks can lead to illegal discrimination, even if there is no factual error in the report. The Fair Housing Act makes it illegal for tenant background check companies and landlords to discriminate against you because of race, national origin, color, sex (which includes gender identity and sexual orientation), religion, disability, or familial status (which includes persons who have children under 18, who are in the process of obtaining legal custody of children under 18, or who are pregnant).

A landlord cannot reject your application or treat you differently than other applicants or tenants because of any of these characteristics. For example, if you are Black and get rejected based on your criminal record, but a white applicant with a similar criminal record is accepted, the landlord may be violating your rights under the Fair Housing Act because of race. As another example, if at first the landlord says they do not perform credit checks, but after the landlord

learns you are gay, you are told a credit check is required, the landlord may be violating your rights under the Fair Housing Act because of sex.

- A tenant background check company's or landlord's action can also be illegal if it uses or encourages the use of irrelevant or unnecessary information to deny you housing, and this negatively affects some groups more than others. This may be discrimination even if the tenant background check company or landlord does not intend to discriminate. You can learn more about how the Fair Housing Act applies to the use of criminal history [here](#).
- The FHA also requires that landlords make [reasonable accommodations](#) for people with disabilities. A reasonable accommodation is a change, exception, or adjustment to a rule, policy, practice, or service if that accommodation may be necessary for a person with a disability to have an equal opportunity to use and enjoy housing. A landlord's tenant background check policy that fails to consider a person's disability or provide a reasonable accommodation may, in some instances, violate the FHA or other civil rights laws.

In addition to the FHA, other federal laws help ensure equal access to housing, services, and activities. They include

- The [Americans with Disabilities Act \(ADA\)](#), which prohibits disability-based discrimination in, among other things, access to and use of government activities, programs, and services and access to and use of places of public accommodation (public places and businesses open to the public, such as rental offices, restaurants, hotels, museums, libraries, and parks),
- [Section 504 of the Rehabilitation Act](#), which prohibits disability-based discrimination by a federal agency or any organization that gets federal financial assistance,
- [Title VI of the Civil Rights Act](#), which prohibits discrimination based on race, color, or national origin by any organization that gets financial assistance from any federal agency, and
- [Violence Against Women Act \(VAWA\)](#), which prohibits discrimination against individuals applying for or living in federally subsidized housing because they are or have been victims of domestic violence, dating violence, sexual assault, or stalking.

Where To Get Help

To correct a tenant background report

You can get additional help if a background check company does not follow the law by responding to your dispute or correcting false information. For example, you can

- **Get legal help.** Contact your state attorney general, [local legal aid or legal services office](#), or [other local lawyer](#). If you are a [servicemember](#), you may wish to also contact your local [Legal Assistance Office](#).
- **Submit a complaint to the CFPB.** Your complaint will be shared with the FTC. The FTC and CFPB enforce the Fair Credit Reporting Act.

If you suspect discrimination

It can be difficult to know for sure if illegal discrimination is happening. But if you think a landlord or a tenant background check company has discriminated, you may consider taking the following steps:

- **Keep records of what happened.** As soon as possible, write down in detail what happened and when, and who you spoke to. [Back up your notes](#) on your email or other online cloud storage service.
- **Get copies of notices.** If you're rejected or get notice of a negative housing decision orally, ask if the landlord will give you the notice in writing, even by email or text.
- **Ask for the landlord's screening criteria or policy in writing.** The criteria or policy may be discriminatory. You can consider filing a complaint with HUD and submitting a report to DOJ if you decided not to apply for housing because of the criteria or policy.
- **You may file a complaint with HUD or your local fair housing agency.**
 - **Don't wait too long before filing a complaint with HUD.** A complaint with HUD under the Fair Housing Act must be filed within one year of the discrimination. Some states and localities require filing earlier than one year.
 - **If you file a timely complaint with HUD, it will investigate your complaint.** If HUD determines that there is reasonable cause to believe that discrimination occurred, its lawyers will bring the case on your behalf, for free, before an administrative law judge. Or HUD may refer your case to DOJ, which may bring lawsuits, again for free, on your behalf.
 - **You do not need a lawyer to file a discrimination complaint with HUD.** However, some [local legal aid and legal services offices](#), civil rights organizations, and [fair housing organizations](#) have lawyers who may be able to advise or represent you.
- **Report housing discrimination to DOJ.** Under the Fair Housing Act, DOJ may bring a lawsuit where there is a pattern or practice of discrimination. While DOJ determines whether it can file a lawsuit, it may encourage you to file a complaint with HUD.
- **Look into additional protections.** Local legal aid and legal services lawyers, lawyers from civil rights or fair housing organizations, [other local lawyers](#), and the state attorney general's office may also be aware of **local protections** that your city or state may offer. If you are applying for federally subsidized housing or a Section 8 voucher, you may have additional protections (for example, under the [Violence Against Women Act](#)). To find out, contact a [legal aid or legal services lawyer](#) or HUD.

Additional Information

FTC

- [Using Consumer Reports: What Landlords Need To Know](#)
- [Understanding Your Credit](#)
- [Disputing Errors on Your Tenant Background Check Report](#)

- [Disputing Errors on Your Credit Report](#)
- [Rental Listing Scams](#)
- Submit a report to the FTC in English at [ReportFraud.ftc.gov](https://www.reportfraud.ftc.gov) or in Spanish at [ReporteFraude.ftc.gov](https://www.reportefraude.ftc.gov). To submit a report in other languages, call (877) 382-4357 and press 3 to speak to an interpreter in your language. Lines open from 9-5 ET.

CFPB

- [What is a tenant screening report?](#)
- [What should I do if my rental application is denied due to a tenant screening report?](#)
- [How long can eviction actions and lawsuits stay on my tenant screening record?](#)
- [Submit a complaint online to the CFPB](#). Or call us at (855) 411-2372 | TTY/TDD: (855) 729-2372 from 8 a.m. to 8 p.m. ET, Monday through Friday (except federal holidays) Help by phone is available in more than 180 languages.

HUD

- [How to file a discrimination complaint with HUD](#) (including [in another language](#) and if you have disability-related needs)
- [Submit a complaint online to HUD](#). Or call us at 1-800-669-9777, 1-800-877-8339, 1-800-877-8339 (TTY) or contact [your local HUD office](#)
- [How the Fair Housing Act applies to the use of criminal history](#)
- [Reasonable Accommodations under the Fair Housing Act](#)
- [Assessing a Person's Request to Have an Animal as a Reasonable Accommodation Under the Fair Housing Act](#)
- [Fair Housing Act Protections for Persons with Limited English Proficiency](#)
- You can also contact and submit a complaint with your local [Fair Housing Agency](#)
- HUD-approved housing counselors can also help you make housing decisions. Find a counselor [here](#) or by calling 1-800-569-4287 where assistance is available in over 250 languages, or 202-708-1455 (TTY).

DOJ

- [Protections for Servicemembers](#)
- [Legal Services for Veterans Programs](#)
- [Submit a report online to DOJ](#). Or call us at 1-855-856-1247 or 202-514-0716 (TTY).

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