

HOUSING AND COMMUNITY DEVELOPMENT

Resolution HCD-18-02

A RESOLUTION PROMOTING REASONABLE RENTAL APPLICATION FEES

WHEREAS, the National Black Caucus of State Legislators (NBCSL) supports the need to improve and firmly establish the rights and duties that apply to landlord and tenants and the NBCSL supports laws being established to govern the landlord-tenant relationships;

WHEREAS, such civil remedies often lead to violations relative to rental application fee requirements, due to the lack of state regulation;

WHEREAS, legislators have a responsibility to establish laws to regulate, govern, and protect landlord-tenant relationships; and

WHEREAS, cost-prohibitive rental application fees can impact potential tenants.

THEREFORE BE IT RESOLVED, that the National Black Caucus of State Legislators (NBCSL) supports prospective tenants being advised by the landlord or leasing agent if application/screening fee is required, and if so, the amount of the fee. Tenants should also ask if application/screening fees are refundable;

BE IT FURTHER RESOLVED, that a landlord may not charge an applicant when the landlord knows or should have known that no rental unit is available within a reasonable future time;

BE IT FURTHER RESOLVED, that a landlord may not collect or hold an applicant application/screening fee without giving the applicant a written receipt for the fee, which may be incorporated into the application form, upon request of the applicant; or use cash, or deposit an applicant screening fee until all prior applicants have either been screen and rejected, or offered the unit and declined to enter into a rental agreement;

BE IT FURTHER RESOLVED, that if a landlord accepts an applicant's screening fee from a prospective tenant, the landlord must disclose, prior to accepting the application fee, the criteria on which the decision to rent the prospective tenant will be based; and notify the applicant within 14 days of rejecting a rental application, identifying the criteria the applicant failed to meet;

BE IT FURTHER RESOLVED, that the NBCSL recognizes the importance of landlord-tenant regulation of application fees;

BE IT FURTHER RESOLVED, that the NBCSL calls on policymakers and their membership to gain information pertaining to rental application/screening fees for each respective state and ensure collaboration with state- level departments to regulate application/screening fees.; and

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BE IT FINALLY RESOLVED, that a copy of this resolution be transmitted to the President of the United States, the Vice President of the United States, members of the United States House of Representatives and the United States Senate, and other federal and state government officials as appropriate.

SPONSOR: Senator Gloria Butler (GA)

Committee of Jurisdiction: Housing and Community Development Policy Committee

Certified by Committee Chair(s): Senator Mamie Locke (VA) and Representative Brenda Gilmore (TN)

Ratified in Plenary Session: Ratification Date is December 2, 2017

Ratification is certified by: Representative Gregory W. Porter (IN), President