



Creating More Inclusive Tenant Screening Practices

Emerging Practices for Tenant Screening in Rental Properties

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Using screening criteria to make decisions about tenancy is a standard component of housing access. The criteria landlords choose to evaluate, and how these items are defined, matter for which tenants are selected to fill a unit. Many landlords defer to tight screening standards to limit their potential risk. Others defer to strict screening criteria because of a lack of evidence on which policies are most related to a tenant's ability to adhere to a lease. This lack of guidance creates serious barriers for potential renters who have any history of eviction filings, criminal offenses, or credit challenges, who are frequently screened out of a large majority of available rental housing. This brief highlights how some mission-driven property owners, operators, and stakeholders are using innovative tenant screening practices to reduce barriers to housing. These practices are relevant for all rental owners and operators as they seek to screen in tenants and create more equitable leasing decisions.

Challenges for Housing Owners and Managers

Tenant screening is a standard part of selecting a renter for an available unit. Theoretically, landlords^a use multiple criteria—including income, credit, rental, and criminal history—to select an applicant that will adhere to lease terms (Gold 2016). Tenant screening processes are critical to focus on, as the

^a In this brief, we use the term "landlord" to refer to individuals or organizations who are responsible for tenant leasing decisions. We understand that this may be a rental property owner or may be a property manager.

specific items landlords choose to consider and the way they define and evaluate these criteria have a large impact on which people are screened out of consideration for rental units.

Critically examining screening processes is particularly important in recent years, as multiple factors have combined to make screening an increasingly high barrier to housing access, especially for people who have any history of eviction, criminal history, or credit challenges. First, as many rental housing markets see high demand and low vacancy rates, landlords can employ more selective screening criteria (Reosti 2020). Second, the rise of tenant screening companies that differentiate themselves by acquiring large datasets, have provided landlords with detailed information about potential applicants' history, even when that information may be inaccurate or misleading. Third, concerns about legal and financial liability have intensified. Depending on the jurisdiction, landlords can be responsible for foreseeable injuries and crime on property.^b This is compounded by increasing insurance costs for multifamily properties—related, in part, to the increase in high-cost property damage claims. The culmination of factors may drive landlords to err on the side of being more risk averse, particularly in properties where profit margins are low, putting housing out of reach for many (Dada and Duarte 2022; Polk 2020; Wu et al. 2023).

Emerging evidence suggests landlords often view any negative history on a tenant screening report, such as an eviction filing, as a disqualification for housing (Housing Justice Center 2021; HousingLink 2004; Polk 2020; So 2021). A study in the Twin Cities, for example, found that a majority of property owners who responded cited any prior eviction filing as one of the most important elements of a screening report (HousingLink 2004).

These high barriers can be particularly harmful for households of color due to overrepresentation in the core datasets that inform standard screening practices (Stanley-Becker 2022). Credit data includes longstanding racial disparities, with non-white households often having limited credit data and/or systematically lower credit scores due to decades of exclusion from institutions like homeownership (Goodman, Henriques, and Mezza 2017; Brevoort, Grimm, and Kambara 2015). Black and Latinx families have experienced higher rates of rent hardship and are evicted at higher rates. And as a result, they are disproportionately represented in eviction filing data (Collinson et al. 2019; Graetz et al. 2023; Gromis et al. 2022). In a 2020 study, Black individuals made up 19.9 percent of all adult renters in sampled counties but are 32.7 percent of all eviction filing defendants (Hepburn, Louis, and Desmond 2020; Lake and Tupper 2021). Black, Indigenous, and Latinx individuals are also overrepresented in arrest and criminal record data, due to long-standing racial inequalities in policing and criminal justice policies (Barak, Leighton, and Flavin 2010; Nellis 2021; Pinard 2013).¹

In response to the high barriers imposed by screening, policymakers have attempted to address some of these issues. The US Department of Housing and Urban Development (HUD), the Federal

^b *Kline v. 1500 Massachusetts Avenue Apartment Corp.*, 439 F.2d 477 (DC Cir. 1970) and *Flood v. Wisconsin Real Estate Inv. Trust*, 403 F. Suppl. 1157 (D. Kan 1980). Both cases established landlord obligation for safety grounded in both contract and tort.

Trade Commission,^c and the Consumer Financial Protection Bureau^d have all released guidance and reports intended to support landlords as they develop and implement screening protocols, and provide renters with information on their rights as they engage with these protocols. At a more local level, some states and cities have implemented laws that regulate tenant screening processes, such as Fair Chance laws that aim to reduce the degree to which a landlord can review an applicant’s history of arrests and convictions.

Yet, despite the importance of tenant screening in housing access, best practices and guidance that both reduce high barriers to housing access for renters and maximize positive outcomes for landlords are not well established. There is little documented evidence that specific indicators—such as number of eviction filings—and the details of the indicators—such as type of criminal activity or time since infraction—are clearly correlated with adhering to or breaking lease terms. One study investigating the link between lease adherence and criminal history found that a majority of the types of criminal histories had no impact on renter success; only 4 types of offenses out of 15 (major drug crimes, fraud, assault, and property crime) were associated with a slight increase in a negative housing outcome. These impacts decreased over time—with no impact after two years for a misdemeanor and five years for a felony—and was mediated by factors such as household size, income, and rental subsidies (Warren 2019). Beyond this, there is little research on what renter background components indicate maximize renter stability and encourage positive outcomes.

The lack of research and guidance may encourage landlords to rely on past practice or the generic settings provided by tenant management software, rather than making intentional and informed decisions about tenant screening. Without research to guide action, many may err on the side of reducing liability and risk by screening out people with any negative history which reduces individuals to data points like their credit scores, eviction filings, and interactions with the criminal justice system.

This brief highlights potential pathways to more equitable and inclusive tenant screening practices, with the goal of reducing racial disparities. The Urban Institute’s work with a group of mission-driven owners, operators, and investors highlighted the need for more information on effective screening practices. To fill this gap, we interviewed a range of mission-driven^e organizations that are often on the forefront of implementing innovative practices to reduce screening barriers. Interviewees included

^c This includes multiple publications, such as the 2024 article “Tenant Background Checks and Your Rights” <https://consumer.ftc.gov/articles/tenant-background-checks-and-your-rights> and the 2016 “What Tenant Background Screening Companies Need to Know about the Fair Credit Reporting Act” <https://www.ftc.gov/business-guidance/resources/what-tenant-background-screening-companies-need-know-about-fair-credit-reporting-act>

^d The CFPB has produced a number of publications focused on consumer rights and tenant screening reports. <https://www.consumerfinance.gov/rules-policy/tenant-background-checks/>

^e As outlined in our prior report on [eviction prevention and mitigation for rental housing owners](#), we define mission-driven landlords, or rental property owners and managers, as individuals or organizations “with clear goals for positive social good and supporting the well-being of residents, through the provision of affordable, high-quality housing that promotes stability to achieve that goal. This broadly includes stakeholders who own and/or operate properties that provide below-market rental prices by working with subsidy programs or offering unsubsidized affordable housing.”

state housing finance agencies, public housing authorities, and affordable rental property managers. While more evidence is still necessary, the findings highlight ways that mission-driven landlords might improve accessibility of housing and reduce the disparate impacts of tenant screening policies.

INNOVATIVE PRACTICES TO REDUCING BARRIERS FOR TENANT SELECTION

Low-barrier tenant screening includes processes that aim to screen in rather than screen out prospective tenants. Many mission-driven landlords already use low-barrier tenant selection plans for specific types of housing, particularly Permanent Supportive Housing (PSH) and housing that has services incorporated.² For example, New York City as of June 2023 already required low-barrier screening for PSH units and Minnesota Housing Finance Agency has a low barrier tenant selection plan for populations with special needs.³ However, these low-barrier processes have not necessarily extended to other properties.

Interviewees indicated that standard screening practices may be overly exclusionary and often disqualify many people from units, particularly those with lower incomes and who qualify for financial supports, such as housing vouchers. Yet, many felt they needed more guidance and data on how they can screen more inclusively without incurring additional legal liability for landlords.

Several mission-driven landlords and other stakeholders interviewed for this report have aimed to provide more detailed guidance and create more inclusive tenant screening processes. Interviews suggest including these key steps in the screening process:

- Limit the number of screening criteria and avoid tools or methods that include extraneous information.
- Create a clear, easily accessible application process.
- Provide applicants with an opportunity to contextualize or respond to information prior to decision.
- Provide rejected applicants with an explanation for denial.
- Pair changes in screening with support for landlords.

LIMIT SCREENING CRITERIA

Interviewees suggested that it was critical to align screening practices with the population that they are focusing on recruiting for the available units. Often landlords rely on a basic set of screeners provided by their property management software and/or default to considering all the details that tenant screening companies provide in their reports. However, these broad screening requirements may screen out tenants that might be well-suited for specific units.

Prior to creating new tenant screening policies, many interviewees re-visited each screening criteria, such as on proof of income, rental history, eviction filing, and criminal history, to determine its purpose. Some interviewees conducted this process qualitatively, discussing whether the information requested was relevant and if it was reliable. Some opened up these conversations to other external stakeholders, including housing advocates, people with lived experience, and people involved in housing navigation. Discussion surfaced challenges with available data sources. For example, while eviction filing data may speak to a past eviction, the filing itself gives the landlord very little information about whether the filing was due to resident nonpayment, the amount of nonpayment, or how the case was decided. Thus, eviction filing data may not be sufficiently accurate or informative to determine future lease violations.

Other interviewees took a quantitative approach to assessing relevant criteria. One interviewee gauged where the threshold should lie by assessing what percentage of the applicants would be screened out with certain thresholds. They also analyzed housing outcomes of vacancy, delinquency, and future eviction filings related to screening criteria.

Using this information, landlords were able to refine and remove criteria that were making little to no impact on outcomes of interest, including lease adherence. By intentionally refining tenant screening criteria and actively monitoring retention rates related to these changes, interviewees noted that they saw improvements in efficiency, compliance, and retention of both property management staff and residents. Below is an outline of the specific changes that interviewees discussed.

CREDIT HISTORY AND INCOME CONSIDERATIONS

Several organizations interviewed discussed the importance of aligning credit and income data to the units in question. For all households—but particularly for units geared towards those with lower incomes—high-income minimums or income ratios may not make sense. For example, in New York City, it is common for rental listings to require applicants to earn 40 to 45 times the monthly rent in one year, which is a standard that would make accessing a unit impossible for many renters.

Instead, interviewees recommended modifying the way in which ability to pay rent was quantified, including these recommendations:

- **Focus on income and credit indicators that have a more direct influence on rent payment, specifically debt to income ratios.**
- **Remove or reduce the focus on credit score, as many individuals earning lower incomes have either no credit score or poor credit.** The impact of the pandemic is likely going to continue to affect credit scores, as many people who were harmed by the pandemic are being affected by delinquency claims.
- **Remove minimum income requirements or lower any minimum income tests that establish an income to rent ratio.** One interviewee established these at 2 ½ times the rent, but specific guidance can be property and population specific. One reviewer indicated that in their properties they found more than a 40 percent cost burden play a role in late rental payment.

- **Recognize shifting employment landscapes may change how the “ability to pay rent” is recorded and consider other sources of income.** Some types of work, including gig work, are often not included in employment considerations and may change who is considered eligible for a unit.

EVICTION HISTORY

Eviction filings are often used as a proxy for landlords to understand if renters have histories of nonpayment or lease breaking. However, eviction filing data is often both inaccurate and incomplete (Dada and Duarte 2022; Lake and Tupper 2021), and interviewees noted that they have found eviction data to often be both incomplete and limited. The filing data that exists does not tell the full story; eviction filings can be dismissed, dropped, or found in favor of the defendant, yet judgment data is not included in screening reports. Filings can also be associated inaccurately with renters and/or may be filed for reasons that have little to do with renter nonpayment.

Similarly, some interviewees that worked across states and cities found that there was substantial inconsistency in how evictions are tracked and monitored locally. For example, some places name all household members listed on a lease, while others do not. Some include people under the age of 18, others do not. Some states include details on outcomes, but most do not. The lack of consistency in how evictions are tracked led one interviewee to suggest it was impossible to design a screening process that adhered to Fair Housing guidance using only screening report data.

Given the potential inaccuracy of the data, some interviewees aimed to diminish the reliance on eviction filing. Tactics include:

- **Limit filings that are dismissed or resulted in a judgment for the applicant.** This data must be gathered from the applicant, as tenant screening reports often do not include judgment data.
- **Remove eviction filing data as a consideration entirely.** Some include eviction filings as background information or “pass through” details but do not include them in decision matrices and do not allow landlords or property managers to exclude individuals due to eviction history alone.
- **Limit the look back period.** The specific lookback period varied by interviewee with some reducing it to the prior 12 months, others to 3 or 4 years.
- **Change requirements for evictions that occurred during the pandemic,** specifically limiting attention to evictions filed for nonpayment during the COVID-10 pandemic.

CRIMINAL HISTORY

Research has suggested that most previous criminal system involvement is not a good predictor of future behavior or successful tenancy (Warren 2019). Landlords interviewed noted that they have not seen a causal relationship between criminal misdemeanors and any previous arrest records and ability to uphold lease terms. Yet, given legal pressures and the desire to keep tenants safe, landlords have indicated that they feel an obligation to current tenants to screen for criminal history and as a result, encourages them to err on the side of risk aversion.

As a result, many have maintained some focus on criminal history, but aimed to reduce barriers when possible by shifting look back periods and offenses considered. Some mission-driven landlords have already implemented changes in criminal record screening due to their work with Section 8 vouchers and/or work in states like New York with more stringent requirements for criminal history review. All interviewees indicated that they have seen no increase in criminal behavior or negative housing outcomes with implementation of the following practices:

- **Limit the types of criminal activity that can be considered.** For interviewees this meant reducing the focus specifically on safety-focused concerns and/or providing a clear rationale for why specific conviction types are included in leasing considerations. Doing so encouraged them to reduce or limit the focus on arrests, “minor” history including misdemeanors, juvenile records, or any cases that have been diverted or dismissed, and/or non-violent offenses such as tax compliance or credit card fraud.
- **Reduce look back periods for all offenses to less than 5 years, and/or reduce felony look back periods.**
- **Consider mitigating factors,** including any focus on rehabilitation or time since crime.
- **Use criminal history as information, but no longer used to exclude applicants based on criminal history.**
- **Automatically identify individuals with arrest and conviction histories as a population who requires special needs** to ensure they received a more inclusive tenant selection process.

CLEAR APPLICATION REQUIREMENTS AND EARLY EXPLANATIONS OF NEGATIVE DATA

Prospective applicants are often unable to make decisions on whether to apply to properties because they are not informed of what metrics housing providers are using to make decisions. One way to increase transparency is by making a written tenant selection plan available to tenants before they apply and/or pay an application fee. This should include details on what specific information is considered in the leasing decision.

There is a strong business case for clear application guidelines for applicants. Interviewees suggested it created a swifter leasing process, by reducing the number of candidates needed to be screened and increasing the ratio of number screened to number who qualify. Interviewees found that clarity in rules produced a more qualified applicant pool. Given that applications are often processed by management staff rather than property ownership, clear guidance help support property managers in day-to-day operations. The resulting efficiency for the staff and the tenant reduces the up-front cost of leasing,

Similarly, interviewees noted that the opportunity to explain disqualifying remarks can help level the playing field, but this must happen *before* leasing decisions are made and before an appeals

process. Once a decision is made, most applicants will not engage in an appeal; they don't have the time to appeal a decision when they are trying to secure housing.

One interviewee, for example, explicitly asked applicants to provide details on any negative marks at time of application. Landlords could also request specific contextual information on the application, such as asking tenants with an eviction filing whether they repaid the debt or if the case was dismissed. Some Housing Finance Agencies have included guidance that an applicant should be provided with an opportunity to include details that explain, justify, or negate the relevance of potentially negative screening information in the application itself. Landlords should include this information in the final leasing decision and should consider the types and severity of reported incidents, the time that has elapsed since the incidents, and the extent to which the applicant has taken all reasonable steps to prevent or mitigate future concerns.

The ability to operationally incorporate mitigating information and make decisions on a case-by-case process can be challenging. Operationally, especially in larger properties, where day-to-day management is conducted by management staff, there may be a challenge to making nuanced decisions, especially if the decisions may be viewed as financially or legally risky.

PROVIDE APPLICANTS WITH AN EXPLANATION FOR DENIAL

In addition to modifying screening criteria, interviewees noted that landlords should provide applicants with a prompt written notice of denial that includes a rationale for why they did not meet the criteria. This augments current existing Federal Trade Commission guidance that when a housing provider makes a denial due to information in a tenant screening report, the housing provider must provide notice to the applicant that would allow them to respond to the company.^f Interviewees indicated that without a clear reason for denial, many applicants may not know be aware they have a disqualifying mark on their record. For example, one interviewee noted an applicant had been incorrectly associated with an eviction filing and had no idea why they were being rejected for available units.

PAIR REDUCTIONS IN SCREENING WITH SUPPORTS FOR LANDLORDS

Some interviewees suggested a willingness to expand tenant screening processes to be more inclusive, but they required some sort of risk mitigation practices, such as requiring a larger security deposit or requiring a co-signor. This, unfortunately, often puts those homes out of reach of those who already struggle to find affordable housing.

^f Federal Trade Commission guidance requires a housing provider to give notice to the applicant including: The name, address and telephone number of the credit reporting agency (CRA) that supplied the consumer report, including a toll-free telephone number for CRAs that maintain files nationwide; A statement that the CRA that supplied the report did not make the decision to take the adverse action and cannot give the specific reasons for it; and, c. A notice of the applicant's right to dispute the accuracy or completeness of any information the CRA furnished, and the applicant's right to a free report from the CRA upon request within 60 days.

Options to support landlords locally if they modify their screening criteria may help support expanded access to housing without raising the threshold for rent or security deposit. Some interviewees noted that risk mitigation funds and/or landlord insurance or incentive pools had effectively encouraged some local landlords to shift criteria. For example, interviewees noted that landlords who participated in a risk mitigation fund that allowed an owner to claim up to \$2,000 for damages if they rented to somebody they would have otherwise screened out led to positive rental outcomes, and local landlords noted positive experiences.

The amount required for an insurance fund to be successful will likely vary by location. Higher-cost properties or areas with higher rent may require higher costs to encourage landlords to participate. Some interviewees noted that these were successful with smaller mom-and-pop landlords but were less successful with larger corporate landlords.

IMPLEMENTATION CONCERNS AND OPPORTUNITIES

Interviewees noted that the implementation or requirement for a low-barrier screening process can be implemented by various actors—from the local property manager to the city or state legislature. Benefits of implementing this at a local, organizational level include the ability to finely tune your screening process to better meet specific organizational goals.

Use Regional Guidance

Some interviewees noted that the passage of a city or statewide ordinance often helped them implement or expand their tenant selection plans. When local laws have created protections, specific companies and agencies have more rationale for aligning with the broader municipal goals. Interviewees also frequently mentioned that legal and financial liability has made it particularly challenging for property owners and managers to lead the way in piloting more inclusive tenant screening criteria themselves. Some interviewees noted that regional restrictions on tenant screening may have widespread influence, as some companies that operate across regional lines may align their practices across their portfolio with the most stringent requirements to maintain compliance in the broadest number of places.

There was also some call for standardization across state and federal guidance. This was particularly important for property managers working across state lines; disparate and inconsistent regional guidance often create challenges for legal and compliance teams. For companies that work across locations, updating tenant selection plans to adhere to local, non-standardized guidance can be challenging and time-consuming endeavor. More standardization could help bring clarity and consistency to the tenant selection process across markets.

Educate Property Manager and Landlords to Support Inclusive Tenant Selections

Many interviewees noted that education is important for explaining to specific property managers and landlords why decisions are being made and how to implement them. Education is critically important, in part, due to the nuances in decision-making. Given frequent turnover in property management companies and tight budgets, often landlords are not always aware that screening protocols have changed or are not fully versed in how they should be implemented.

There is a tension in tenant screening between templates or protocols, as well as the ability to consider applicants on a case-by-case basis and incorporate mitigating information into decisionmaking. HUD guidance requires that all applicants be considered on a case-by-case basis, but landlords in past conversations wanted clearer guidance that conforms more to a template or protocol to help them make clear decisions. Additional education and guidance can help support landlords and property managers in their decisions.

Similarly, neighborhood-specific outreach and education for all community members about changes in tenant screening policy and their rights surrounding tenant screening is also needed. One interviewee noted that especially in communities that have been affected by redlining, over-policing, and discriminatory exclusion from the rental housing market, there may be a perception that selection plans screen for items like credit scores or past misdemeanors. There is an opportunity to provide community members with information that lets them know they can be screened in and which tenant screening items they should ask about prior to application.

Enforcement Concerns and Unintended Consequences

Of the organizations we interviewed, some felt that their guidance changes may have a limited impact because they do not necessarily have the ability to enforce decisions. For example, while some state HFAs require low-barrier tenant screening, landlords may not enforce specific tenant selection plans in practice. Enforcement is important to ensuring that property managers are not continuing to screen on outdated tenant screening requirements. Sufficient funding, resources, and staffing for technical assistance and monitoring policy implementation are critical for ensuring compliance.

Interviewees suggested novel ways to ensure compliance, including data collection. This could look similar to the Housing Mortgage Disclosure Act, which requires landlords to provide information on why they levied a denial to an applicant. Some property managers, for example, have anecdotally indicated that they are going to track tenant selection plans and informally track trends in denials.

Feedback suggested that local decisionmakers need to be attentive to adverse outcomes associated with screening. One interviewee suggested that some early evidence suggests that landlords may be making decisions based more heavily on gender and race when they are required to use stricter screening criteria.

Conclusion

More research is needed to inform guidance for landlords on tenant screening practices. Many landlords want to better understand what drives housing outcomes, such as which types of credit score data matter for on-time payment, and which types of criminal histories may be important for limiting on-site criminal behavior. Existing research is limited, which encourages property management's risk-averse behavior and decisionmaking that may err on the side of exclusion.

Mission-driven landlords have the opportunity to lead the way in implementing more inclusive tenant screening criteria and practices, which could lead to the lowering of barriers to people who have struggled to access available and affordable housing. However, these owners also need supports to help them do so. This could include new products like risk mitigation pools or federal and state regulation to ensure that the data used to screen people is accurate, up-to-date, and follows best practices and evidence.

Notes

- ¹ Jung Hyun Choi, Laurie Goodman, and Daniel Pang, "The Real Rental Housing Crisis Is on the Horizon," *Urban Wire* (blog), Urban Institute, March 11, 2022, <https://www.urban.org/urban-wire/real-rental-housing-crisis-horizon>.
- ² "Housing First in Permanent Supportive Housing Brief," HUD Exchange, July 2014, <https://www.hudexchange.info/resource/3892/housing-first-in-permanent-supportive-housing-brief/>.
- ³ Josh Nguyen, "Tenant Selection Plan Guidelines: Special Needs Housing: Housing for Persons with Special Needs," (Washington, DC: Minnesota Housing, 2021), <https://www.ncsha.org/wp-content/uploads/Minnesota-Special-Needs-Housing-Housing-for-Persons-with-Special-Needs-2021.pdf>.

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