



NARPM® Policy Statement

Date: August, 2018
Issue: Criminal Background Checks for Prospective Tenants
Sponsor: Governmental Affairs Committee

The National Association of Residential Property Managers (NARPM®) fully supports the goals of the federal Fair Housing Act (“The Act”), which prohibits discrimination in renting, buying, or securing financing for any housing because of race, color, national origin, religion, sex, disability and familial status.

We believe that housing is a basic human need and that no one’s opportunity to obtain housing should be denied or denigrated based in their membership in a particular protected class, and we strongly believe that all residential property managers should adhere to rules, policies, practices, and services that comply in word, deed, and spirit with The Act as it applies to their activities.

Moreover, we recognize that because protected classes have historically received unequal treatment in our criminal justice system, there exists the possibility that some screening policies for potential tenants involving criminal history could create an unintended disparate discriminatory impact.

We also recognize that property managers have a fiduciary responsibility to the property owners they serve to help ensure that screening processes for prospective tenants rightfully identify those applicants who might pose a danger to others in the neighborhood or to the property itself.

While recognizing that HUD has opined that property managers are allowed to use criminal history within some parameters as part of the process of considering rental applications, we also note that such guidance does not delineate those parameters. As such, property managers face significant uncertainty in trying to adhere to federal law while also protecting their clients and others from physical harm, property damage, or increased liability.

Therefore, NARPM® strongly supports efforts to provide guidance for property managers that enumerates what information can be considered and what information cannot be considered in the application process within the confines of The Act.