

# Tenant Screening Protections: Evictions, Criminal History, Credit Checks, Etc.

## Fact Sheet #16



Housing providers often use tenant screening reports to approve or deny renters for housing. These reports are often produced by third-party screening companies and contain information about your financial and personal history, including credit, criminal legal records, and rental history, such as evictions.

### Your Rights Under the Fair Credit Reporting Act

The Fair Credit Reporting Act protects information collected by consumer reporting agencies, such as credit bureaus, medical information companies, and tenant screening services. These consumer reporting agencies are required to provide accurate and up-to-date information and to investigate disputed information.

If you are denied due to information provided by a screening report, the landlord must provide you with the name, address, and phone number of the third-party company that produced the report so you can get a copy.

You have a right to a free copy of the report if you request it from the screening company within 60 days of your denial. You should receive the report within 15 days.

### Incorrect or Out-of-Date Information

Tenant screening reports may contain incorrect or out-of-date information. These inaccuracies can result in unfair denials of housing. If you are denied housing, make sure the information used against you is accurate.

- Review your screening report for inaccurate or out-of-date information, such as:
  - A loan balance reported as “unpaid” when the payments are in fact up-to-date.
  - Amounts due to a past landlord that have in fact been paid off.
  - A criminal record erroneously listed as a conviction instead of an arrest; a felony instead of a misdemeanor; a single record listed multiple times; or a record listed with the wrong date.
  - An eviction record that has since been sealed or an expunged criminal record.
  - Wholly incorrect information belonging to another person (mistaken identity).
- Dispute any errors, in writing, with the screening or credit reporting company. Explain which information is inaccurate and why. Include copies of supporting documents and keep copies for yourself.
- The screening company must investigate the dispute within 30-45 days of receiving it and notify you of the results within 5 days of completing the investigation, as well as notify the landlord with the updated information.

If either your landlord or the third-party screening company does not meet their obligations, you can file a complaint with the Consumer Financial Protection Bureau: [consumerfinance.gov/complaint](http://consumerfinance.gov/complaint).

**You should NOT be denied housing due to an eviction filing that did not result in a court order to vacate, a sealed eviction record, an arrest not resulting in conviction, or an expunged criminal record.**

### What is tenant screening?

Landlords have a right to screen applicants to determine whether they will pay rent in a timely manner, will be undisruptive to other tenants, and will keep the unit in a reasonable condition. These questions can often be answered by references from previous landlords, income verification, and/or a credit check, but the process can also involve a background check of past evictions and/or criminal legal records.

### Potential signs of discrimination

It is not unlawful for landlords to use information such as rental history (including evictions), credit, and criminal legal records to decide whether an applicant would pose a risk to resident safety and property. However, **arbitrary and overly broad restrictions or bans** based on criminal legal records, evictions, or credit history may have a discriminatory impact on specific demographics protected by the Fair Housing Act. Additionally, a housing provider must apply screening policies **equally**, regardless of protected class.

**For more information, check out the FHCCI's education page on this topic:**

<https://www.fhcci.org/programs/education/tenant-screening/>

**Or scan the QR code:**





## My credit score seems low, how can I verify it?

You have the right to request a free copy of your credit report once a week from each of the three major consumer reporting companies: Equifax, Experian, and TransUnion. Visit [www.AnnualCreditReport.com](http://www.AnnualCreditReport.com).

Review your reports for identity errors and incorrect or outdated information. If you find errors, you should file a dispute directly with the appropriate credit reporting company.

## How can I improve my credit score?

A credit counselor can help you develop a sustainable plan to pay off your debt or fix errors. Look for reputable nonprofit credit counseling agencies that offer ranges of services for low or no cost. Be cautious of for-profit debt settlement companies that offer to clear all your debts in exchange for expensive fees.

## What should I do if I believe I am a victim of housing discrimination?

Housing discrimination is unlawful, and you have the right to file a complaint. Please contact the FHCCI with any questions or to receive counseling about your rights or options.

## FHCCI Mission Statement

The mission of the Fair Housing Center of Central Indiana (FHCCI) is to facilitate open housing for all people by ensuring the availability of affordable and accessible housing; promoting housing choice and homeownership; advocating for an inclusive housing market; working toward stable and equitable communities; and eradicating discrimination within Central Indiana, the State of Indiana, and nationally.

## Denied by an Overly Restrictive Screening Policy?

Because of widespread racial and ethnic disparities in the criminal legal system, broad rental restrictions based on criminal legal records, such as a blanket felony ban, may exclude Black and/or Hispanic applicants, as well as persons with disabilities and others, in a disproportionate manner.

National and Indianapolis data show that Black renters are over-represented among eviction filing defendants, as are female renters and families with children. Landlords with eviction bans may disproportionately exclude these categories of renters. Many renters who only received an eviction filing, not a judgment, are also often caught in these exclusions.

Overly restrictive screening policies, like a felony ban or a “no eviction” policy, may violate the Fair Housing Act due to the disproportionate impact on certain groups, based on protected classes such as race, national origin, gender, disability, and/or families with children.

## Criminal Record Expungement

Certain convictions may be eligible for expungement under Indiana law. The three main requirements are:

1. You don't have any pending criminal charges
2. All court costs, fines, fees, and restitution have been paid (in some cases these costs can be waived)
3. Relevant waiting periods must be met (depends on the type of conviction)

You can learn more about possible criminal record expungement from Indiana Legal Services at: [indianalegalservices.org/expungement](http://indianalegalservices.org/expungement) or consult legal services or an attorney.

## Eviction Sealing

You may be eligible to have a past eviction record sealed, if you:

1. Do not owe any money related to your past eviction
2. The eviction case was dismissed, decided in your favor, overturned by the court, or vacated on appeal

You may also complete this process on your own using Indiana Legal Help's guide: [indianalegalhelp.org/legal-topic/eviction-sealing-form](http://indianalegalhelp.org/legal-topic/eviction-sealing-form) or consult legal services or an attorney.

## Contact us!

**If you are experiencing barriers to housing, including questions about tenant screening, please contact the FHCCI:**



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