

Village of Bath Police Department

GUIDELINES FOR LANDLORDS SCREENING TENANTS

Purpose for conducting tenant screenings:

Tenant screenings are beneficial to the landlord, tenant and the community. A landlord who takes the time to carefully screen potential tenants is protecting their investment and taking reasonable steps to ensure that they are obtaining a good tenant. Good tenants typically are low maintenance. Good tenants act responsibly; respect your property and pay their rent on time. Good tenants make good neighbors, which any neighborhood can attest to.

Types of tenant screening:

- **Application process** - learn as much as you can about the tenant. Obtain as much historical information about where they have lived in the past, where they are employed and do they have the financial means to pay their rent. Require references.
- **Credit checks**, inclusive of checking with the County Clerk's Office (the county in which they have resided) to determine if there are any judgments or liens recorded. This is public information.
- **Criminal background checks** - You'll be required to obtain a signed release of information from each potential tenant. Police agencies require original signed release forms. Send a release to the police agency having jurisdiction where the tenant has resided. Law enforcement, by law, can only provide you with that information that is in their local files. For example, the Bath Police Department cannot provide you with arrest, complaint and criminal record information that are maintained by the Corning City Police or the Hornell City Police.

Frequently asked questions about tenant screening:

Can tenant screening be considered discriminatory? *Answer - No it's not discriminatory if you consistently require all potential tenants to undergo the same process. Being a criminal is not a protected class. The Federal Fair Housing Act deems the following to be protected classes: race, color, religion, sex, age, handicap, familial status and national origin.*

What kind of information can law enforcement provide me with? *Answer - A police agency can tell you whether the person is wanted (which may require further action by the police agency) and whether or not they are a registered sex offender. They can also provide you with local arrest information, inclusive of police contacts and calls for service (complaints, etc.).*

Is there a central database for this type of information, and if so, can it be accessed? *Answer - there is a central database that law enforcement agencies have access to. It's called the New York Statewide Police Information Network (NYSPIN), which is maintained by the New York State Police and the National Crime Information Center (NCIC), which is maintained by the FBI. The repositories of this information are tightly regulated by state and federal laws and law enforcement can only access this information when a person is either arrested or under criminal investigation. Under no circumstances can either be used in tenant screenings.*

Can and will local agencies charge us for this information? *Answer - It is possible that you can be charged for the reproduction of documents, which is usually 25 cents per page. We cannot speak for other police agencies, but currently at this time, the Bath Police Department offers this service to our landlords free of charge. It has been our position that this cooperation benefits the police department, the community and the landlord. This program is supported wholeheartedly by the Mayor and Board of Trustees. If for some unforeseen circumstance the Village became faced with severe financial hardships it may become necessary to impose a charge.*

How long does it take for the police department to process a background check? *Answer - It can vary depending on the department's activity. We make every attempt to process each background check as quickly as possible and often have a turnaround of less than 48 hours; however, it's possible that it may take up to five (5) business days.*

Can the landlord do some of these checks on their own and if so, what kind of information can be obtained that is available to the public? *Answer - Absolutely. In this day and age of the internet and technology, private individuals have a host of information available to them. A number of states provide inmate information, some provide historical information (such as New York, New Jersey, Florida and many others) while others only provide information on inmates currently incarcerated. Each state also maintains a sex offender registry and the U.S. Department of Justice also maintains a National Sex Offender Registry. Google also is a great search engine for finding out information on people. Try googling your own name. You might be surprised what you'll find.*

What if a potential tenant fails or refuses to complete a release of information so that law enforcement can conduct a background check? *Answer - They are removed from further consideration as a possible tenant. Remember the screening procedure is done consistently as a normal course of business on all potential tenants. The key word to remember is consistently. You do it each and every time - NO EXCEPTIONS! Believe it or not, many landlords have experienced that once they present the "release of information" to the potential tenant, they never hear from them again. Some landlords have reported to us that potential tenants have told them flat out that they will not complete the release of information. In one instance a landlord told us that a potential tenant offered him an additional \$100 per month rent if the landlord would make that form go away! The "release of information" form is absolutely the most valuable tool in the initial screening process.*

Useful Public Websites:

Sex Offender Registries:

- New York State <http://www.criminaljustice.state.ny.us/nsor/index.htm>
- US Department of Justice <http://www.nsopr.gov/>

Department of Correctional Services (DOCS):

- * New York State <http://nysdocslookup.docs.state.ny.us/kinqw00>
- * New Jersey https://www6.state.nj.us/DOC_Inmate/inmatefinder?i=I

- * Florida <http://www.dc.state.fl.us/InmateInfo/InmateInfoMenu.asp>
- * The Texas Department of Corrections took the time to put the links of all 50 states on their website. The link is <http://www.tdcj.state.tx.us/links/links-states-doc.htm>

National Victim Resources:

VINELink www.vinelink.com/

VINELink is the online version of VINE (Victim Information and Notification Everyday), the National Victim Notification Network. This service allows crime victims to obtain timely and reliable information about criminal cases and the custody status of offenders 24 hours a day. Victims and other concerned citizens can also register to be notified by phone, email or TTY device when an offender's custody status changes. Users can also register through their participating state or county toll-free number.

Authority For Release of Information to Landlord:

Never believe what you are told. Seeing is believing. When interviewing potential tenants, require them to produce at least two (2) forms of government issued identification, one of which contains a photograph. The identification shown should provide you with the person's full name and date of birth. If possible, photocopy or scan the identification and attach it to the "Authority For Release of Information to Landlord" so that law enforcement can examine it. If you don't have the ability to photocopy the identification, make written notes as to what kind of identification was used. You may write this information on the back of the release form. Verify all information on the release form to ensure that it matches the identification that was produced. If the identification card appears altered, it probably has been.

Acceptable forms of identification:

- State issued drivers license
- Military identification card
- Birth certificate
- Passport
- Social Security Card
- Social Services Benefits Card
- Department of Veteran Affairs Identification Card