



City of Columbus Housing for All Ordinance FAQ:

Source of Income:

- 1) May a landlord require that a prospective renter have employment? Is requiring a job a violation of this code?**
 - a. No. A landlord cannot per se require employment. For example, social security in an amount sufficient to meet minimum rent criteria would be enough without a job. In the case of a voucher, a landlord must deduct the voucher payment before requiring that the tenant meet a certain level of income.*
 - b. The real question is unemployment. While it is arguably valid to have to take unemployment, it ends on its face. It is believed a landlord could require proof that there will be income after that.*

- 2) May the landlord require a credit score of, say, 650? Voucher holders may have weak credit. Does this constitute disparate impact?**
 - a. Yes, a landlord can require a minimum credit score as long as everyone is treated the same. While there is a disparate impact argument, the landlord would have a legitimate non-discriminatory reason for this. Practically, anyone who is asking for a minimum of \$650 in credit is probably charging more rent than a voucher can support anyway.*

- 3) May a landlord require an income of say, \$36,000 annually, for a one-bedroom apartment? Recognizing that if a tenant has a voucher or other income it would have to be included as income. E.G. Tenant has a \$1000 per month voucher and \$400 per month food stamps, additional income of \$3000 – 1000 – 400 = 1600 monthly for an annual income of 19,200 would be required.**
 - a. Typically, a landlord requires income in proportion to the amount of rent payable. For example, 3 times the monthly rent. This law contemplates that the voucher would lower the rent. If the rent is 1000, the landlord would require income of 36000 per year. However, if the voucher is for 500, then the rent to income would be rent of 500 to income of 18000 required per year.*

- 3a) The code suggests that the voucher must be subtracted from the rent but does not specify that landlord may not require additional income for other living expenses.**
 - a. The landlord can require income unrelated to the ability to pay rent if the landlord already does that for everyone else.*

Deposit Restrictions:

- 1) **May a landlord require a higher deposit if paid over 3 or 6 months, E.G., 1 month rent deposit for installment payments, \$400 for single payment?**
 - a. *This is discouraged. Instead, it is suggested to require more rent up front or an additional administrative fee. For example, deposit payable over 6 months plus 2 months' rent plus a non-refundable admin fee of 300.*

- 2) **May a landlord require a payment to hold a unit that is rented some period in advance of move-in date. E.G. An application taken April 15th for August 1 occupancy requires a \$400 hold fee, understanding that the hold fee may have to applied to first month's rent and the security deposit handled separate in compliance with the code.**
 - a. *Yes, but the holding fee should be applied upon lease signing to set off the first month' rent not the deposit.*

Providing of Receipts for Payment:

- 1) **Can a tenant waive the requirement that he/she receive the receipt in the terms of their application or lease?**
 - a. *No, contractually waiving something that is illegal is not allowed in the law. However, a tenant can consent to the type of receipt. For example: Auto ledger via email every month. That should be doable in software.*

- 2) **May the landlord require that the tenant acquire the receipt at the office of the landlord after requesting it? Is the landlord required to cause delivery of the receipt to the tenant at other than the landlord's place of business?**
 - a. *Requiring that the tenant come and get the receipt is probably ok, but that is not the best business practice. Instead, either a) give everyone an email ledger via consent to receive that or b) require that all payments be made online so that no receipt is required.*