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Question: An applicant for an apartment has complained that we violated the law, saying we did not give proper written notice when we required a co-signer after reviewing the applicant's credit report. What are we supposed to do?

**Answer: Under the Fair Credit Reporting Act, if a rental housing provider (you, the landlord or property manager) takes an "adverse action" against an applicant based solely or in part upon a consumer credit report, the rental housing provider is required to notify the applicant in writing that the rental application was rejected based on the consumer report.**

The FTC considers "adverse action" to include (1) rejecting the applicant outright, (2) requiring a co-signer on the lease, (3) requiring a deposit that would not be required of another applicant, (4) requiring a higher deposit than is required for other applicants, and (5) requiring higher rent than for other applicants. Therefore, even if you offer the applicant the opportunity to be approved if the applicant meets additional requirements, you still must provide the written notice required by the FTC.

The written notice must provide the name and contact information of the consumer reporting agency which provided the report upon which you relied, and some other information.

If you have the TAA Redbook, you can use the form provided there. See page 675.

Question: We want to check credit reports for job applicants. Can we do so?

**Answer: Yes. You must comply with the Fair Credit Reporting Act. Yes, the same law that applies to apartment rental applicants also has provisions that apply to employment applicants.**

Before you procure the consumer credit report, you must (1) provide appropriate written notice to the employment applicant, and (2) obtain written authorization from an employment applicant to obtain the report.

If you reject the applicant based upon the credit report in whole or in part, you must provide appropriate written notice to the employment applicant that you did so, and you must provide the name and contact information of the consumer reporting agency which provided the report upon which you relied, and some other information.

Fortunately, having the TAA Redbook, you can use forms provided there for these purposes, too. See page 690-692 and 674.

Question: We have been experiencing uninvited advertisers distributing leaflets/ads on the doors of our residents' apartments. How can we stop this from happening?

**Answer: If possible, use the criminal trespass laws by obtaining the identification of the person who is distributing the leaflets. Even if you cannot obtain the person's identification, you can demand that the person leave your property and never**

**return, if you can confront the person in person. You should have a copy of the Texas Penal Code section 30.05 in your office. Provide a copy of this criminal trespass provision to the intruding person. Tell the person that you intend to seek prosecution for the violation of this law.**

**In addition, you can write a letter to the company which is having the leaflets distributed (i.e., the pizza parlor, etc.) directed to the owner's or manager's attention notifying the owner and manager that you demand the leaflet distribution be stopped immediately. Provide a copy of the Texas Penal Code section 30.05 with your letter. Advise the owner and manager that you intend to pursue your rights under this law to have violators prosecuted.**

This information is provided for example purposes only. Always consult legal counsel for your specific situation.

If you have questions, contact me at [jcarlton@gpm-law.com](mailto:jcarlton@gpm-law.com) or 972.419.7135. Jerry L. Carlton.