

North Dakota Apartment Association's Testimony  
On House Bill 1196

My name is Krista Andrews, and I appear today on behalf of the North Dakota Apartment Association (NDAA) in opposition to House Bill 1196.

The proposed House Bill 1196 will prevent housing providers from accessing critical criminal background information to determine the safety of the applicant for the other tenants as well as the property.

Within appropriate parameters, criminal background checks are an important component of tenant screening, to ensure that the potential tenant does not present potential safety issues to other tenants and the property.

The U.S. Department of Housing and Urban Development has provided guidance to housing providers regarding their use of criminal history to deny a rental application. To ensure a criminal record is not used to shield discriminatory intent, a housing provider bears the burden of proof that any discriminatory effect caused by the review practice is justified.

The NDAA opposes House Bill's 1196 timeframe for having the criminal records sealed. Housing providers would be unable to give thoughtful and thorough review to the applications that could create detrimental impacts for the other residents and the property. Should this bill pass with the currently listed timeframe, NDAA strongly recommends an exception be included for housing providers to have access to this information when conducting background checks.

Thank you for your consideration. I would be happy to address any questions.