

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 SENATE BILL 274

By: Rader

6 AS INTRODUCED

7 An Act relating to landlord and tenant; amending 41  
8 O.S. 2021, Section 201, which relates to lease  
9 conditions for tenant felony conviction; requiring  
10 criminal history screening policy for award of  
11 certain tax credit; requiring certain components for  
12 screening policy; prohibiting inclusion of certain  
statements; requiring consideration of certain  
factors in individualized review; requiring review of  
certain plans by Oklahoma Housing Finance Agency;  
updating statutory language; and providing an  
effective date.

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15 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

16 SECTION 1. AMENDATORY 41 O.S. 2021, Section 201, is  
17 amended to read as follows:

18 Section 201. A. The owner of any real property, ~~including any~~  
19 ~~improvements~~ consisting of dwelling units, acquired or improved in  
20 connection with an allocation of income tax credits pursuant to the  
21 provisions of Section 42 of the Internal Revenue Code of 1986, as  
22 amended, or in connection with an allocation of income tax credits  
23 pursuant to the provisions of Section 2357.403 of Title 68 of the  
24 Oklahoma Statutes shall have the right to impose conditions in any

lease agreement for the occupancy of any dwelling located on real property as described by this section which allow the owner to accept or decline to enter into the lease agreement, or to terminate a previously executed lease agreement based upon the discovery of incomplete or false information, with respect to the prior felony conviction of any person identified as a tenant pursuant to the terms of the lease agreement, including occupants of the dwelling whether or not those occupants formally execute a lease agreement.

B. The owner of real property as described in subsection A of this section may either accept or decline to enter into a lease agreement or to terminate a previously executed lease agreement based upon felony convictions, whether pursuant to federal law or the laws of any state or other governmental jurisdiction, for the following types of offenses:

1. Possession of any drug or chemical;
2. Possession of any drug or chemical with intent to manufacture or distribute;
3. Sex offenses, including, but not limited to, any form of sexual assault, rape, indecent exposure, or other sexually related offense if such offense was a felony;
4. Assault or battery or both if the offense was a felony;
5. Any felony involving violence against another person; and

1       6. Such other felony offenses as the owner of the real property  
2       as described in subsection A of this section includes in the terms  
3       of the lease agreement.

4       C. The provisions of this section shall supersede the  
5       administrative rule of any state agency, board, commission,  
6       department, statewide beneficiary public trust or other entity of  
7       state government to the extent of any conflict.

8       D. The provisions of subsections A and B of this section shall  
9       be applicable with respect to lease transactions occurring on or  
10      after ~~the effective date of this act~~ April 29, 2019, without regard  
11      to the construction date of the improvements to real property as  
12      described by subsection A of this section.

13      E. For awards beginning on or after January 1, 2026, an award  
14      recipient for the income tax credits pursuant to the provisions of  
15      Section 42 of the Internal Revenue Code of 1986, as amended, or in  
16      connection with income tax credits allocated pursuant to Section  
17      2357.403 of Title 68 of the Oklahoma Statutes shall have a clearly  
18      defined criminal history screening policy in a tenant selection plan  
19      that establishes criteria for renting to prospective residents and  
20      shall include, but not be limited to, the following:

21       1. An individualized review that considers the safety of  
22       residents and property; provided, an applicant with a criminal  
23       conviction may be denied housing only after conducting such review;

1       2. The amount of time following a conviction during which  
2       criminal records will be considered in determining the approval of a  
3       lease application; and

4       3. An established procedure for conducting individualized  
5       reviews of applicants with a criminal record which shall include,  
6       but not be limited to, a notification to the applicant that an  
7       individualized review will be conducted and the right of the  
8       applicant to provide supporting documentation and mitigating  
9       evidence for the individualized review.

10      The screening policy shall not include any statements such as  
11      "Any applicants with criminal convictions will be denied".

12      F. An individualized review conducted pursuant to subsection E  
13      of this section shall include consideration of the following  
14      factors:

15      1. The seriousness of the offense, especially with respect to  
16      the effect of the offense on other residents;

17      2. The age of the individual at the time the offense was  
18      committed;

19      3. The length of time since the offense occurred;

20      4. Evidence of participation in rehabilitative programming;

21      5. Other evidence of rehabilitation such as employment, job  
22      training, educational achievement, treatment program completion, or  
23      letters of recommendation;

1       6. A determination of whether a repeated offense would pose a  
2       threat to the health, safety, and welfare of residents and property;

3       7. Whether the offense has any connection to how the tenant or  
4       household member would perform as a tenant, resident, or neighbor;  
5       and

6       8. Any risk mitigation services the applicant or household  
7       member would receive during the tenancy.

8       G. The Oklahoma Housing Finance Agency shall review the tenant  
9       selection plan to ensure compliance with subsection E of this  
10      section during compliance monitoring review. The Agency shall  
11      provide guidance to owners of real property who receive an award of  
12      affordable housing tax credit as it pertains to creation of policies  
13      and practices to comply with this section.

14      SECTION 2. This act shall become effective November 1, 2025.  
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