Orcatales
Tenant & Employment Background Investigations

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EMPLOYMENT SCREENING - 7 OR 10 YEAR CRIMINAL SEARCH?
WA STATE STATUTE OF LIMITATIONS

7 Yr. Conviction search is standard. At client request, there is the option of 10 Yr. search.

LAWS GOVERNING REPORTING CRIMINAL RECORDS IN WA STATE

(States vary in statute laws. Call for details: 800-341-0022)

-10 Yr. Conviction Search – salary is MORE than $20,000.00 annually
-7 Yr. Conviction Search – salary is LESS than $20,000.00 annually
-7 Yr. Arrests/Charges – exceptions may apply

TO ORDER 10 YEAR CRIMINAL

-Employer NEEDS to certify the candidate is applying for a job with salary above $20,000/year.
-Employers control when they want to use the state salary exception. By default this feature is not turned on. Please contact Orca Information, Inc., Customer Support for more information.

ADDITIONAL QUALIFICATIONS FOR ORDERING 10 YEAR CRIMINAL

(a) Any employer hiring a person who will or may have unsupervised access to children under the age of eighteen, a vulnerable adult as defined in chapter 74.34 RCW, or a vulnerable person as defined in RCW 9.96A.060;
(b) Any employer, including a financial institution, who is expressly permitted or required under any federal or state law to inquire into, consider, or rely on information about an applicant's or employee's criminal record for employment purposes;
(c) Employment by a general or limited authority Washington law enforcement agency as defined in RCW 10.93.020 or by a criminal justice agency as defined in RCW 10.97.030(5)(b);
(d) An employer seeking a nonemployee volunteer; or
(e) Any entity required to comply with the rules or regulations of a self-regulatory organization, as defined in section 3(a)(26) of the securities and exchange act of 1934, 15 U.S.C. 78c(a)(26).

CONFLICT WITH FEDERAL REQUIREMENTS—2018 c 38.

If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state.
[2018 c 38 § 6.]

WHAT ARE THE STATE SALARY EXCEPTION THRESHOLDS?

In each of the following states, convictions cannot be reported beyond seven years unless the candidate's potential salary is at least $20,000 (or $25,000 in New York).

Salary Exception States	Candidate's Potential Salary Threshold
Kansas	$20,000
Maryland	$20,000
New Hampshire	$20,000
New York	$25,000
Washington	$20,000

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TENANT SCREENING **LEASE INTEGRATION**

HOLDING FEE WORDING - TO BE ADDED TO RENTAL CRITERIA/GUIDELINES

Not For City of Seattle

(Below are "suggestions" for wording to be used in management companies TENANT GUIDELINES/CRITERIA for applying for a rental. Orca Information does not give legal advice. We are not attorneys. This is wording currently being used affectively in WA State. All wording and documents/forms need to be approved by your attorney before use)

COMPLETE APPLICATION AND HOLDING FEE AGREEMENT: Once you have toured the inside of the property, an application will be considered complete for processing when all of the following have been received: **(1) A completed and signed application with payment for each prospective tenant or occupant 18 years or older; (2) A signed Holding Fee Agreement; (3) A holding fee (equal to 25% of monthly rent) in the form of a check, money order, or other approved electronic payment; and (4) A copy of each applicant's driver's license or other government-issued photo ID**. Once we receive the above documents and payments, we will discontinue soliciting additional applications until the screening process is complete. If any of the above items are missing or not complete, we will continue marketing and soliciting new applications until all the above items are received.

ADDITIONAL INFORMATION - HOLDING FEE AGREEMENT: At the time of application, the applicant will pay a holding fee equal to 25% of one month's rent to secure the property until the lease is signed. _____ will discontinue soliciting applications until the agreed upon time for which the lease will be finalized, and move-in funds provided in full, which shall be no later than one week from the date of approval unless otherwise agreed in writing. If applicant is approved and the lease is signed the holding fee is converted to a portion of the first month's rent or security deposit thereby reducing the required move-in funds accordingly. The terms for retention or refunding of the deposit are contained in the Holding Fee Agreement provided in your application packet or on the _____ website.

(Attach Holding Fee Agreement. For copy of updated Holding Fee Agreement contact Sarah or Lucy in Compliance Department)

LAWS FOR HOLDING FEES WA STATE 12/2021

If a prospective landlord takes a deposit/fee from you to hold a unit before you move in, they must also provide you with a receipt and a written statement outlining the conditions under which that money is refundable. If the prospective tenant moves into the unit, the landlord must credit the amount towards the security deposit or first month's rent. If the tenant chooses not to occupy the unit, the landlord may legally keep the holding deposit as long as it follows the conditions laid out in their written statement. If a landlord violates these requirements, they may be liable for the holding deposit amount, as well as a penalty up to two times the fee or deposit, court costs and attorneys' fees. Section 8 (Housing Choice) Voucher tenants have particular considerations regarding holding deposits. The landlord may not withhold a deposit or fee from a Section 8 tenant if the unit fails a tenant-based rental assistance program housing inspection by a qualified inspector. The landlord may also choose to no longer hold the unit for a Section 8 renter if the housing inspection did not occur within 10 days of the collection of the fee or deposit. If the unit fails inspection, after notifying the tenant that the unit did not pass, the landlord must promptly send the tenant the refund of the deposit or fee by mail with prepaid postage. RCW: A landlord may not request a fee or deposit to hold a dwelling or secure that the prospective tenant will move into the dwelling unit in excess of twenty-five percent of the first month's rent as described in RCW 59.18.610(4