

## **SB 291 A -A11 STAFF MEASURE SUMMARY**

### **House Committee On Housing**

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**Prepared By:** Claire Adamsick, LPRO Analyst

**Meeting Dates:** 5/6, 5/13, 5/25, 5/27

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#### **WHAT THE MEASURE DOES:**

Requires landlords to conduct individualized assessment and consider supplemental evidence from applicant before denying an application for housing on the basis of criminal history. Prohibits landlords from considering previous arrests if applicants entered into a diversion program or received a deferred judgement, or if the applicant's conviction was for conduct that is no longer illegal under Oregon law. Requires landlords to adopt certain written screening criteria and inform prospective tenant of screening process prior to accepting application or any related fees. Requires that landlord inform applicant of tenant rights regarding nondiscrimination and the right to appeal a negative determination. Clarifies that a landlord, upon denial of application, must provide applicant with written statement specifying basis for denial within 14 days.

*Senate Vote: Passed. Ayes, 17; Nays, 13--Anderson, Boquist, Findley, Girod, Hansell, Heard, Johnson, Kennemer, Knopp, Linthicum, Robinson, Thatcher, Thomsen*

*FISCAL: Minimal fiscal impact*

*REVENUE: No revenue impact*

#### **ISSUES DISCUSSED:**

- Racial Justice Council subcommittee work to address housing stability barriers related to prospective tenants' criminal history
- Release of information regarding prospective participation in rehabilitation or diversion program
- Creating pathways to housing by reducing barriers based on criminal history
- Links between housing instability and recidivism
- Challenges in coordinating care with individuals who experience housing instability
- Alignment of measure with current Federal Fair Housing guidance related to individualized assessment
- Clarifying requirements for landlords regarding applicant notification of reasons for denial
- Questions regarding enforcement mechanism for landlords who do not provide tenants with required information

#### **EFFECT OF AMENDMENT:**

-A11 Requires landlords to provide written notice of screening and admission criteria upon requiring applicant screening charge. Clarifies that a landlord must provide written notice explaining reasons for denial only for those applications to which screening and admissions criteria have been applied. Allows landlords to consider applicant's previous arrest only if the arrest resulted in certain charges for criminal conduct as provided by this Act, and the applicant was either convicted of the charges or the charges are pending and the applicant is not presently participating in a diversion, conditional discharge, or deferral of judgement program on the charges. Clarifies that a landlord may only consider criminal convictions or pending charges for conduct that is currently illegal under Oregon law.

#### **BACKGROUND:**

Oregon residential landlord and tenant law restricts landlords from considering certain information when screening prospective tenant applications. Before processing rental applications and charging associated fees, landlords must provide applicants with written notice of: the fee amount; the criteria and process used to screen

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applications (such as, what credit check company will be used, whether criminal records will be considered, and whether previous employers or landlords will be contacted); and information about applicants' rights to dispute information disclosed as part of the screening process that they believe is not accurate. Landlords are also currently required to furnish a written explanation of application denials upon request.

Senate Bill 291 A requires landlords to conduct an individual assessment on a prospective tenant's criminal history before denying a tenant application. The measure disallows landlords from considering arrest records in cases in which the person was never charged, or convictions for actions no longer illegal under Oregon law. It limits the information a landlord may consider when screening a rental application, and requires a landlord to notify an applicant of their rights regarding nondiscrimination or to appeal an application denial. If a landlord denies an application, the measure requires a landlord to provide the applicant with a written explanation of the basis of denial within 14 days.