

## SB 291 A STAFF MEASURE SUMMARY

### House Committee On Housing

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**Action Date:** 05/27/21

**Action:** Without recommendation as to passage and be referred to Rules.

**Vote:** 8-0-0-0

**Yeas:** 8 - Campos, Fahey, Marsh, Meek, Morgan, Neron, Weber, Zika

**Fiscal:** Has minimal fiscal impact

**Revenue:** No revenue impact

**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 judgment, 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 applicant 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.

#### 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 access 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
- Landlord ability to screen for pending charges
- Relationship between pending charges and conditional discharge or deferral program

#### EFFECT OF AMENDMENT:

No amendment.

#### 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 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 a denial, upon request of the applicant.

**SB 291 A STAFF MEASURE SUMMARY**

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 never convicted, and prohibits landlords from considering 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.