



# HOUSING ALLIANCE

February 11, 2021

Senate Committee on Housing and Development  
Oregon State Legislature  
900 Court Street NE  
Salem, OR 97301

Dear Chair Jama, Vice-Chair Linthicum, Members of the Committee:

I am writing to you today on behalf of the Oregon Housing Alliance to express our support for SB 291 and the -4 amendments, which will increase access to rental housing by requiring individualized assessments for people who have previously been involved in the criminal justice system.

The Oregon Housing Alliance is a coalition of more than ninety organizations from all parts of the state. Our members have come together with the knowledge that housing opportunity is the foundation on which all of our success is built – individual success as students, parents, workers, and community members as well as the success of our communities. We represent a diverse set of voices including affordable housing developers, residents of affordable housing, local jurisdictions, and organizations working to meet basic needs in every corner of our state.

All Oregonians deserve a safe, stable, and affordable place to call home. Today, we simply don't have enough affordable homes for people who need them, and vacancy rates have dropped precipitously towards zero in communities across Oregon over the past decade. People – our neighbors and members of our community – are struggling with homelessness, housing instability, rent burdens, and to make ends meet and put food on the table, particularly during this pandemic.

Everyone deserves a place to call home, regardless of whether they've been involved in the criminal justice system.

People who have been involved in the criminal justice system may be automatically screened out of housing simply by checking a box to indicate that they have a criminal history, and landlords may never consider their individual circumstances.

Data demonstrates that homelessness and exiting incarceration are deeply linked. In 2017, the HUD Annual Homelessness Assessment Report<sup>1</sup> showed that nationally, over 51,000 people entered homeless shelters directly from correctional facilities, which doesn't even account for people who were unable to access shelter. National studies also find that people who have been previously incarcerated are ten times<sup>2</sup> more likely to experience homelessness than others due to barriers in accessing housing.

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<sup>1</sup> <https://www.huduser.gov/portal/sites/default/files/pdf/2017-AHAR-Part-2.pdf>

<sup>2</sup> <https://www.prisonpolicy.org/reports/housing.html> and <https://nlihc.org/resource/formerly-incarcerated-people-are-nearly-10-times-more-likely-be-homeless>

Today, the United States incarcerates over 2.2 million<sup>3</sup> people in federal, state, or local prisons or jails. In addition, nearly 6.7 million<sup>4</sup> were under some form of correctional control. Today, sentencing disparities and the impacts of systemic racism are pervasive in our justice system. Black people are more likely to be arrested, convicted, and sentenced to lengthy prison sentences than white people. Selective and over-policing of communities of color leads to disproportionate harm due to mass incarceration. These problems are exacerbated by unequal access to justice and legal assistance for people with low incomes.

The disparate impacts of the criminal justice system experienced by communities of color has significant, and negative consequences. An arrest or criminal record can have lifelong impacts on a person's ability to access housing. The use of criminal records in housing limits the ability of people involved in the justice system to rebuild their lives and benefit their communities. This impacts not just the person themselves, but their families as well.

People with criminal histories mean that people may be shut out of housing options, and this prevents people from rebuilding their lives and accessing stable housing. Assisting people with housing may support people to stabilize<sup>5</sup> and national research shows that people's ability to secure stable housing is critical to their successful re-entry and to prevent further recidivism<sup>6</sup>.

Today, current federal guidance from the US Department of Housing and Urban Development<sup>7</sup> recognizes the disparate impact of our criminal justice system and housing access. Fair housing principles recognize that tenants should be screened individually and assess their individual circumstances. Due to the systemic racism pervasive throughout the criminal justice system, using criminal history to predict whether someone will be a successful tenant will likely have a racially discriminatory impact. From the current federal guidance:

*While having a criminal record is not a protected characteristic under the Fair Housing Act, criminal history-based restrictions on housing opportunities violate the Act if, without justification, their burden falls more often on renters or other housing market participants of one race or national origin over another (i.e., discriminatory effects liability). Additionally, intentional discrimination in violation of the Act occurs if a housing provider treats individuals with comparable criminal history differently because of their race, national origin or other protected characteristic (i.e., disparate treatment liability).*

SB 291 and its -4 amendments would require landlords to individually assess the circumstances of someone's previous involvement with the criminal justice system and to consider supplemental evidence of rehabilitation – to look at the whole person.

Individualized assessments mean that a landlord must look at the circumstances of individuals, and assess factors such as the crime they were convicted of, the length of time since their conviction, and work they may have done to change their lives. People deserve second chances and the opportunity for forgiveness and redemption. Housing after incarceration can also

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<sup>3</sup> <https://www.sentencingproject.org/publications/un-report-on-racial-disparities/>

<sup>4</sup> *ibid*

<sup>5</sup> <https://housingmatters.urban.org/articles/can-housing-interventions-reduce-incarceration-and-recidivism>

<sup>6</sup> <https://nhlp.org/files/Page%208%20Doc%201%20NHL%20Bulletin%20Article%20Reentry.pdf>

<sup>7</sup> [https://www.hud.gov/sites/documents/HUD\\_OCGUIDAPPFHASTANDCR.PDF](https://www.hud.gov/sites/documents/HUD_OCGUIDAPPFHASTANDCR.PDF)

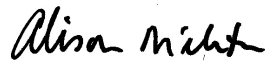
support people to stabilize and support people to get back on their feet, maintain employment, and reconnect with their families and communities.

SB 291 and the -4 amendments would require landlords to individually assess the circumstances of someone's previous involvement with the criminal justice system. SB 291 would not allow landlords to consider arrest records in cases in which the person was never charged, and would not allow landlords to consider convictions for actions that are no longer illegal under Oregon law, such as simple possession of drugs. Stable housing can help reduce recidivism, and disrupt cycles of incarceration.

Changes to criminal history screening for rental housing could have a significant and positive impact on Black, Indigenous, and people of color who are disproportionately impacted by our criminal justice system.

We encourage your support for SB 291 and its -4 amendments. Thank you very much for your time, and for your service to our state.

Sincerely,

A handwritten signature in black ink that reads "Alison McIntosh". The signature is written in a cursive, flowing style.

Alison McIntosh  
On Behalf of the Oregon Housing Alliance

## Housing Alliance Members

1000 Friends of Oregon  
211info  
Aging in the Gorge  
Benton Habitat for Humanity  
Bienestar  
Bradley Angle  
BRIDGE Housing  
Business for a Better Portland  
CASA of Oregon  
Central City Concern  
Chrisman Development  
Church Women United of Lane County  
City of Beaverton  
City of Eugene  
City of Forest Grove  
City of Hillsboro  
City of Hood River  
City of Portland  
City of Tigard  
Clackamas County  
Coalition of Community Health Clinics  
Coalition of Housing Advocates  
College Housing Northwest  
Community Action Partnership of Oregon  
Community Action Team  
Community Alliance of Tenants  
Community Development Partners  
Community Housing Fund  
Community Partners for Affordable Housing  
Community Vision  
Cornerstone Community Housing  
DevNW  
Ecumenical Ministries of Oregon  
Enterprise Community Partners  
Fair Housing Council of Oregon  
Farmworker Housing Development Corp.  
FOOD for Lane County  
Habitat for Humanity of Oregon  
Habitat for Humanity Portland/Metro East  
Hacienda CDC  
Home Forward  
Homes for Good  
Housing Authorities of Oregon  
Housing Authority of Clackamas County  
Housing Development Center  
Housing Oregon  
Human Solutions  
Immigrant & Refugee Community Organization

Impact Northwest  
Innovative Housing, Inc.  
Interfaith Alliance on Poverty  
JOIN  
Lane County Health and Human Services  
League of Oregon Cities  
League of Women Voters of Oregon  
Lincoln County  
Looking Glass Community Services  
Mainstream Housing Inc.  
Metro  
Mid-Columbia Housing Authority  
NAYA Family Center  
Neighborhood Partnerships  
NeighborImpact  
NeighborWorks Umpqua  
Network for Oregon Affordable Housing  
Northwest Housing Alternatives  
Northwest Pilot Project  
Oregon AFSCME Council 75  
Oregon Coalition of Christian Voices  
Oregon Center for Public Policy  
Oregon Coalition on Housing & Homelessness  
Oregon Council on Developmental Disabilities  
Oregon Food Bank  
Our Children Oregon  
Partners for a Hunger-Free Oregon  
Portland Community Reinvestment Initiatives  
Portland Homeless Family Solutions  
Portland: Neighbors Welcome  
Proud Ground  
Raphael House  
REACH CDC  
Residents Organizing for Change (ROC) Oregon  
Rogue Action Center  
Rose CDC  
St. Francis Shelter  
St. Vincent de Paul of Lane County, Inc.  
ShelterCare  
Sisters Habitat for Humanity  
Sponsors, Inc.  
SquareOne Villages  
Street Roots  
Think Real Estate  
Transition Projects  
Washington County  
Welcome Home Coalition