

House Bill 3938

Sponsored by Representatives MUNOZ, CHAICHI; Representatives NELSON, NGUYEN H

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: This Act prohibits landlords from using credit scores for applicants on OHP. (Flesch Readability Score: 60.7).

Prohibits residential landlords from considering the credit score of an applicant who demonstrates eligibility for medical assistance under the Oregon Health Plan.

Takes effect on the 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to applications for a residential tenancy; amending ORS 90.303; and prescribing an effective
3 date.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 90.303 is amended to read:

6 90.303. (1) When evaluating an applicant, a landlord may not consider a previous action to re-
7 cover possession pursuant to ORS 105.100 to 105.168 if the action:

8 (a) Was dismissed or resulted in a general judgment for the applicant before the applicant sub-
9 mits the application.

10 (b) Resulted in a general judgment against the applicant that was:

11 (A) Entered five or more years before the applicant submits the application; or

12 (B) Entered on claims that arose on or after April 1, 2020, and before March 1, 2022.

13 (2) When evaluating the applicant, a landlord may consider a previous arrest of the applicant
14 only if the arrest resulted in charges for criminal conduct as described in subsection (3) of this
15 section and:

16 (a) The applicant was convicted of the charges; or

17 (b) The charges are pending and the applicant is not presently participating in a diversion,
18 conditional discharge or deferral of judgment program on the charges.

19 (3) When evaluating the applicant, the landlord may consider criminal convictions or pending
20 charges only for conduct that is presently illegal in this state and is:

21 (a) A drug-related crime, but not including convictions based solely on the use or possession of
22 marijuana;

23 (b) A person crime;

24 (c) A sex offense;

25 (d) A crime involving financial fraud, including identity theft and forgery; or

26 (e) Any other crime if the conduct for which the applicant was convicted or charged is of a
27 nature that would adversely affect:

28 (A) Property of the landlord or a tenant; or

29 (B) The health, safety or right to peaceful enjoyment of the premises of residents, the landlord

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 or the landlord's agent.

2 (4) When evaluating an applicant, a landlord may not consider the possession of a medical
3 marijuana card or status as a medical marijuana patient.

4 (5) When evaluating an applicant, a landlord may not consider an applicant's unpaid rent, in-
5 cluding rent reflected in judgments or referrals of debt to a collection agency, that accrued on or
6 after April 1, 2020, and before March 1, 2022.

7 **(6) When evaluating an applicant, a landlord may not consider the applicant's credit score**
8 **if the applicant provides sufficient proof that the applicant or a member of the applicant's**
9 **household is eligible for medical assistance under the Oregon Health Plan.**

10 **SECTION 2.** ORS 90.303, as amended by section 10, chapter 39, Oregon Laws 2021, is amended
11 to read:

12 90.303. (1) When evaluating an applicant, a landlord may not consider a previous action to re-
13 cover possession pursuant to ORS 105.100 to 105.168 if the action:

14 (a) Was dismissed or resulted in a general judgment for the applicant before the applicant sub-
15 mits the application.

16 (b) Resulted in a general judgment against the applicant that was entered five or more years
17 before the applicant submits the application.

18 (2) When evaluating the applicant, a landlord may consider a previous arrest of the applicant
19 only if the arrest resulted in charges for criminal conduct as described in subsection (3) of this
20 section and:

21 (a) The applicant was convicted of the charges; or

22 (b) The charges are pending and the applicant is not presently participating in a diversion,
23 conditional discharge or deferral of judgment program on the charges.

24 (3) When evaluating the applicant, the landlord may consider criminal convictions or pending
25 charges only for conduct that is presently illegal in this state and is:

26 (a) A drug-related crime, but not including convictions based solely on the use or possession of
27 marijuana;

28 (b) A person crime;

29 (c) A sex offense;

30 (d) A crime involving financial fraud, including identity theft and forgery; or

31 (e) Any other crime if the conduct for which the applicant was convicted or charged is of a
32 nature that would adversely affect:

33 (A) Property of the landlord or a tenant; or

34 (B) The health, safety or right to peaceful enjoyment of the premises of residents, the landlord
35 or the landlord's agent.

36 (4) When evaluating an applicant, a landlord may not consider the possession of a medical
37 marijuana card or status as a medical marijuana patient.

38 **(5) When evaluating an applicant, a landlord may not consider the applicant's credit score**
39 **if the applicant provides sufficient proof that the applicant or a member of the applicant's**
40 **household is eligible for medical assistance under the Oregon Health Plan.**

41 **SECTION 3.** This 2025 Act takes effect on the 91st day after the date on which the 2025
42 regular session of the Eighty-third Legislative Assembly adjourns sine die.

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