

SB 291 A STAFF MEASURE SUMMARY

House Committee On Housing

Prepared By: Claire Adamsick, LPRO Analyst

Meeting Dates: 5/6, 5/13

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
- Whether standards created by bill already exist in federal or local Fair Housing laws

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 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.