

Committee Members:

You will note in the -2 amendments to SB 91, that one of the examples RHAGP used at the hearing (crime of identity theft) was included in the crimes listed as "allowed to be considered" after-all.

But, this still leaves us wondering about the **other crimes** that we believe are critical to establishing who is potentially a good tenant vs. a bad tenant. I list some pertinent crimes below and question where they fit into the bill language.

Please note that "property crimes" are not allowed to be considered outright...The only crimes that are listed as "definitely allowed to be considered" are sex-crimes, person crimes, drug crimes, and financial fraud/identity theft/forgery....

The crimes that are not specifically **allowed** to be considered, fall into a gray area, which will put landlords in a position to potentially be sued for unfairly using information. All those not crimes not specifically listed will be open to adjudication. Small business landlords cannot shoulder these lawsuits.

Again with 80% of RHAGP's 1,700 plus members having less than 10 units, they do not have property managers "watching" people, and they rely on background checks to assure they are placing the right person in the right house or unit.

It is the landlord's property, it is their **right** to know who they are renting to, it is their **responsibility** to the other tenants to make knowledgeable and reasonable choices.

This is the only part of the bill that RHAGP takes issue with...but it is critical,

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(3) When evaluating the applicant, the landlord may consider criminal conviction and charging history if the conviction or pending charge is for conduct that is:

- (a) A drug-related crime;
- (b) A person crime;
- (c) A sex offense;
- (d) A crime involving financial fraud, including identity theft and forgery; or

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

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

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

Landlords must defend choices made under this section in court!

Where do these crimes fit in - and shouldn't landlords be able to consider them if they led to a conviction?

Theft as defined in ORS 164.015.

Robbery in the first and second degree as defined in ORS 164.415 and 164.405.

Criminal possession of personal property as defined in ORS 164.140.

Criminal trespass as defined in ORS 164.243, 164.245, 164.255, 164.265 or 164.278.

Arson and related offenses as defined in ORS 164.315, 164.325 or 164.335.

Unlawful possession and use of a weapon and all other firearm and explosive crimes described in ORS 166

Offenses against animals as described in ORS 167