

SB 291 B STAFF MEASURE SUMMARY

Carrier: Rep. Meek

House Committee On Rules**Action Date:** 06/17/21**Action:** Do pass with amendments to the A-Eng bill. (Printed B-Eng.)**Vote:** 5-2-0-0**Yeas:** 5 - Fahey, Holvey, Salinas, Smith Warner, Zika**Nays:** 2 - Bonham, Drazan**Fiscal:** Has minimal fiscal impact**Revenue:** No revenue impact**Prepared By:** Claire Adamsick**Meeting Dates:** 6/9, 6/17**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. Allows landlords to consider applicant's previous arrest only if arrest resulted in certain charges for criminal conduct as provided by this Act, and the applicant was either convicted of the charges or the charges are pending and the applicant is not presently participating in a diversion, conditional discharge, or deferral of judgment program on the charges. Clarifies that a landlord may only consider criminal convictions or pending charges for conduct that is currently illegal under Oregon law. Requires landlords to provide written notice of screening and admission criteria upon requiring applicant screening charge. Clarifies that, within 14 days of denial, a landlord must provide written notice explaining reasons for denial to those applicants whose applications were subject to screening or admissions criteria. Requires landlord to inform applicant of applicant's right to appeal a negative determination, provided that any right to appeal exists.

ISSUES DISCUSSED:

- Clarifying that no new right can be created to appeal a determination on a tenant application that has been denied
- Landlord ability to understand and implement individualized assessment requirements in alignment with Federal Housing and Urban Development guidance
- Scope of measure in relation to decriminalization of specified drugs under Measure 110 (2020)

EFFECT OF AMENDMENT:

Requires landlords to provide written notice of screening and admission criteria upon requiring applicant screening charge. Clarifies that a landlord inform an applicant of applicant's right to appeal a negative determination, provided that any right to appeal exists. Clarifies that a landlord must provide written notice explaining reasons for denial only for those applications to which screening and admissions criteria have been applied. Allows landlords to consider applicant's previous arrest only if the arrest resulted in certain charges for criminal conduct as provided by this Act, and the applicant was either convicted of the charges or the charges are pending and the applicant is not presently participating in a diversion, conditional discharge, or deferral of judgment program on the charges. Clarifies that a landlord may only consider criminal convictions or pending charges for conduct that is currently illegal under Oregon law.

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

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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.

Senate Bill 291 B modifies the criteria that a landlord may consider when screening an applicant, and requires landlords to conduct individualized assessment and consider supplemental evidence from applicant before denying an application for housing on the basis of criminal history. The measure clarifies that a landlord may only consider criminal convictions or pending charges for conduct that is currently illegal under Oregon law. It requires landlords to inform applicants who pay a screening fee of the screening and admission criteria, and of the applicant's right to appeal a negative determination, if such right to appeal exists. Finally, it requires landlords to provide written notice to applicants subject to screening or admission criteria of the reasons for denial.