



May 6th, 2021

The House Committee on Housing
Oregon State House of Representatives
900 Court St NE
Salem, OR 97301

Submitted Electronically Re: The Fair Housing Council of Oregon's Support of SB 291

Dear Chair Fahey, Vice-Chair Morgan, Vice-Chair Campos, and Members of the Committee on Housing,

The Fair Housing Council of Oregon (FHCO) supports Senate Bill 291 which will increase housing access for protected class individuals impacted by the criminal justice system.

FHCO is a statewide civil rights organization whose mission is to eliminate housing discrimination through access to enforcement and education. Our agency is committed to addressing the racial and disability related disparities that originate in the criminal justice system and that directly correlate to disparities in equal access to housing. These inequities related to criminal history and housing are why FHCO strongly supports the passage of SB 291.

In 2016, the Department of Housing and Urban Development (HUD) released national guidance on criminal history stating that, “[b]ecause of widespread racial and ethnic disparities in the U.S. criminal justice system, criminal history-based restrictions on access to housing are likely disproportionately to burden African Americans and Hispanics.”¹ The HUD guidance notes that individuals with disabilities are also disproportionately impacted. Despite research that shows that crime is committed at substantially similar rates across race, here in Oregon state prison data shows that Black people are 3.7 times more likely to be imprisoned than their white counterparts.² The 2016 HUD guidance goes on to provide that tenants impacted by the criminal justice system should be screened and have their circumstances assessed on an individual basis, what is referred to as an individualized assessment.

While the 2016 HUD guidance is crucial to our housing justice work in the state, it does not extend protections far enough. The HUD guidance makes individualized assessments a best practice to avoid disparate impact claims based on race, national origin, and disability. However,

¹ U.S. Department of Housing and Urban Development. *Office of General Counsel Guidance on Application of Fair Housing Act Standards to the Use of Criminal Records by Providers of Housing and Real Estate-Related Transactions*. April 4, 2016, available at:

https://www.hud.gov/sites/documents/HUD_OGCGUIDAPPFHASTANDCR.PDF

² Jensen, Latisha, *Black Oregonians Are Imprisoned at a Rate Almost Four Times That of White People*, Willamette Weekly, May 5th, 2021, available at: <https://www.wweek.com/news/2021/05/05/black-oregonians-are-imprisoned-at-a-rate-almost-four-times-that-of-white-people/>



it does not create individualized assessments as a required practice. At FHCO we continue to see large impacts on the African American and Latinx communities as well as on individuals with disabilities when it comes to access to housing and the ongoing barrier of criminal history screening criteria across the state. Between 2019-2020, at FHCO we saw more than 100 inquiries to our office from across the state related to people experiencing barriers to housing related to criminal history. This does not account for people across the state who, for various reasons, do not report their experiences of criminal history barriers. There is vital need in the State of Oregon to ensure that people of color and individuals with disabilities maintain fair access to housing. SB 291 guarantees that diverted convictions and convictions for things that are no longer a crime cannot be used against applicants. It also ensures that applicants with a criminal history receive an individualized and fair assessment of their application. Codifying the individualized assessment at the state level will help create further protections for people of color and individuals with disabilities who continue to be disproportionately impacted by lack of access to housing.

In closing, we know that the State of Oregon, like all other states in our country, has a history of housing policies, from redlining to exclusionary zoning to racially restrictive covenants (just to name a few), that continue to create grave housing inequities throughout our state. Addressing criminal history is one small piece of creating more housing protection in access to housing for people historically and disproportionately impacted by unjust policies. We commend the Governor and her Racial Justice Council's Housing and Homelessness Committee for their work on this important bill.

We urge the House Committee on Housing to support and pass SB 291 as it is a small but tangible and crucial start to a much larger issue of addressing access to housing in Oregon.

Sincerely,

A handwritten signature in black ink that reads "Allan Lazo".

Allan Lazo, Executive Director

A handwritten signature in black ink that reads "Kirsten Blume".

Kirsten Blume, Director of Enforcement & Public Policy

1221 SW Yamhill Street, Portland, Oregon 97205