



TO: Senate Committee on Housing
FROM: Rental Housing Alliance Oregon
DATE: March 11, 2021
RE: Opposition SB 291

Thank you for accepting comments on SB 291 -4 amendments from the Rental Housing Alliance Oregon (RHA). Since 1927 the RHA has set the standard for community participation by landlords providing affordable and quality housing. The Rental Housing Alliance Oregon has more than 1,900 members, 62% of whom own just 1-4 units and 81% of whom own 10 or fewer units.

Respectfully, we cannot understand the need for SB 291 as issues therein have already been addressed.

Use of criminal history in an application background check was changed in 2013 with SB 91:

- SECTION 3. (1) When evaluating an applicant, a landlord may not consider an action to recover possession pursuant to ORS 105.105 to 105.168 if the action:
- (a) Was dismissed or resulted in a general judgment for the applicant before the applicant submits the application. This paragraph does not apply if the action has not resulted in a dismissal or general judgment at the time the applicant submits the application.
 - (b) Resulted in a general judgment against the applicant that was entered five or more years before the applicant submits the application.
 - (2) When evaluating the applicant, a landlord may not consider a previous arrest of the applicant if the arrest did not result in a conviction. This subsection does not apply if the arrest has resulted in charges for criminal behavior as described in subsection (3) of this section that have not been dismissed at the time the applicant submits the application.
 - (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;
 - (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.

It is important to note that landlord and tenant advocates worked TOGETHER to craft this protection for applicants.

Additionally, since 2005 any applicant who wants information on reason for denial has had ability to ask for it:

- 90.304 Statement of reasons for denial; remedy for noncompliance.** (1) If a landlord requires an applicant to pay an applicant screening charge and the application is denied, or if an applicant makes a written request following the landlord's denial of an application, the landlord must promptly provide the applicant with a written statement of one or more reasons for the denial.
- (2) The landlord's statement of reasons for denial required by subsection (1) of this section may consist of a form with one or more reasons checked off. The reasons may include, but are not limited to, the following:
- (a) Rental information, including:
 - (A) Negative or insufficient reports from references or other sources.
 - (B) An unacceptable or insufficient rental history, such as the lack of a reference from a prior landlord.
 - (C) A prior action for possession under ORS 105.105 to 105.168 that resulted in a general judgment for the plaintiff or an action for possession that has not yet resulted in dismissal or general judgment.
 - (D) Inability to verify information regarding a rental history.
 - (b) Criminal records, including:
 - (A) An unacceptable criminal history.
 - (B) Inability to verify information regarding criminal history.
 - (c) Financial information, including:
 - (A) Insufficient income.
 - (B) Negative information provided by a consumer credit reporting agency.

- (C) Inability to verify information regarding credit history.
- (d) Failure to meet other written screening or admission criteria.
- (e) The dwelling unit has already been rented.
- (3) If a landlord fails to comply with this section, the applicant may recover from the landlord \$100. [2005 c.391 §31]

Finally, the information on federal, state and local nondiscrimination policies is available at multiple places, including our association website and document links, and should not require more paper to be used and distributed so that will merely be thrown away in what is becoming a paperless society.

Respectively,



Ron Garcia, President
Rental Housing Alliance Oregon