



HOUSING ALLIANCE

February 11, 2021

Senate Committee on Housing and Development
Oregon State Legislature
900 Court Street NE
Salem, OR 97301

Dear Chair Jama, Vice-Chair Linthicum, Members of the Committee:

I am writing to you today on behalf of the Oregon Housing Alliance to express our support for SB 291 and the -4 amendments, which will increase access to rental housing by requiring individualized assessments for people who have previously been involved in the criminal justice system.

The Oregon Housing Alliance is a coalition of more than ninety organizations from all parts of the state. Our members have come together with the knowledge that housing opportunity is the foundation on which all of our success is built – individual success as students, parents, workers, and community members as well as the success of our communities. We represent a diverse set of voices including affordable housing developers, residents of affordable housing, local jurisdictions, and organizations working to meet basic needs in every corner of our state.

All Oregonians deserve a safe, stable, and affordable place to call home. Today, we simply don't have enough affordable homes for people who need them, and vacancy rates have dropped precipitously towards zero in communities across Oregon over the past decade. People – our neighbors and members of our community – are struggling with homelessness, housing instability, rent burdens, and to make ends meet and put food on the table, particularly during this pandemic.

Everyone deserves a place to call home, regardless of whether they've been involved in the criminal justice system.

People who have been involved in the criminal justice system may be automatically screened out of housing simply by checking a box to indicate that they have a criminal history, and landlords may never consider their individual circumstances.

Data demonstrates that homelessness and exiting incarceration are deeply linked. In 2017, the HUD Annual Homelessness Assessment Report¹ showed that nationally, over 51,000 people entered homeless shelters directly from correctional facilities, which doesn't even account for people who were unable to access shelter. National studies also find that people who have been previously incarcerated are ten times² more likely to experience homelessness than others due to barriers in accessing housing.

¹ <https://www.huduser.gov/portal/sites/default/files/pdf/2017-AHAR-Part-2.pdf>

² <https://www.prisonpolicy.org/reports/housing.html> and <https://nlihc.org/resource/formerly-incarcerated-people-are-nearly-10-times-more-likely-be-homeless>

Today, the United States incarcerates over 2.2 million³ people in federal, state, or local prisons or jails. In addition, nearly 6.7 million⁴ were under some form of correctional control. Today, sentencing disparities and the impacts of systemic racism are pervasive in our justice system. Black people are more likely to be arrested, convicted, and sentenced to lengthy prison sentences than white people. Selective and over-policing of communities of color leads to disproportionate harm due to mass incarceration. These problems are exacerbated by unequal access to justice and legal assistance for people with low incomes.

The disparate impacts of the criminal justice system experienced by communities of color has significant, and negative consequences. An arrest or criminal record can have lifelong impacts on a person's ability to access housing. The use of criminal records in housing limits the ability of people involved in the justice system to rebuild their lives and benefit their communities. This impacts not just the person themselves, but their families as well.

People with criminal histories mean that people may be shut out of housing options, and this prevents people from rebuilding their lives and accessing stable housing. Assisting people with housing may support people to stabilize⁵ and national research shows that people's ability to secure stable housing is critical to their successful re-entry and to prevent further recidivism⁶.

Today, current federal guidance from the US Department of Housing and Urban Development⁷ recognizes the disparate impact of our criminal justice system and housing access. Fair housing principles recognize that tenants should be screened individually and assess their individual circumstances. Due to the systemic racism pervasive throughout the criminal justice system, using criminal history to predict whether someone will be a successful tenant will likely have a racially discriminatory impact. From the current federal guidance:

While having a criminal record is not a protected characteristic under the Fair Housing Act, criminal history-based restrictions on housing opportunities violate the Act if, without justification, their burden falls more often on renters or other housing market participants of one race or national origin over another (i.e., discriminatory effects liability). Additionally, intentional discrimination in violation of the Act occurs if a housing provider treats individuals with comparable criminal history differently because of their race, national origin or other protected characteristic (i.e., disparate treatment liability).

SB 291 and its -4 amendments would require landlords to individually assess the circumstances of someone's previous involvement with the criminal justice system and to consider supplemental evidence of rehabilitation – to look at the whole person.

Individualized assessments mean that a landlord must look at the circumstances of individuals, and assess factors such as the crime they were convicted of, the length of time since their conviction, and work they may have done to change their lives. People deserve second chances and the opportunity for forgiveness and redemption. Housing after incarceration can also

³ <https://www.sentencingproject.org/publications/un-report-on-racial-disparities/>

⁴ ibid

⁵ <https://housingmatters.urban.org/articles/can-housing-interventions-reduce-incarceration-and-recidivism>

⁶ <https://nhanp.org/files/Page%208%20Doc%201%20NHL%20Bulletin%20Article%20Reentry.pdf>

⁷ https://www.hud.gov/sites/documents/HUD_OGCGUIDAPPFHASTANDCR.PDF

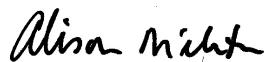
support people to stabilize and support people to get back on their feet, maintain employment, and reconnect with their families and communities.

SB 291 and the -4 amendments would require landlords to individually assess the circumstances of someone's previous involvement with the criminal justice system. SB 291 would not allow landlords to consider arrest records in cases in which the person was never charged, and would not allow landlords to consider convictions for actions that are no longer illegal under Oregon law, such as simple possession of drugs. Stable housing can help reduce recidivism, and disrupt cycles of incarceration.

Changes to criminal history screening for rental housing could have a significant and positive impact on Black, Indigenous, and people of color who are disproportionately impacted by our criminal justice system.

We encourage your support for SB 291 and its -4 amendments. Thank you very much for your time, and for your service to our state.

Sincerely,



Alison McIntosh
On Behalf of the Oregon Housing Alliance

Housing Alliance Members

1000 Friends of Oregon
211info
Aging in the Gorge
Benton Habitat for Humanity
Bienestar
Bradley Angle
BRIDGE Housing
Business for a Better Portland
CASA of Oregon
Central City Concern
Chrisman Development
Church Women United of Lane County
City of Beaverton
City of Eugene
City of Forest Grove
City of Hillsboro
City of Hood River
City of Portland
City of Tigard
Clackamas County
Coalition of Community Health Clinics
Coalition of Housing Advocates
College Housing Northwest
Community Action Partnership of Oregon
Community Action Team
Community Alliance of Tenants
Community Development Partners
Community Housing Fund
Community Partners for Affordable Housing
Community Vision
Cornerstone Community Housing
DevNW
Ecumenical Ministries of Oregon
Enterprise Community Partners
Fair Housing Council of Oregon
Farmworker Housing Development Corp.
FOOD for Lane County
Habitat for Humanity of Oregon
Habitat for Humanity Portland/Metro East
Hacienda CDC
Home Forward
Homes for Good
Housing Authorities of Oregon
Housing Authority of Clackamas County
Housing Development Center
Housing Oregon
Human Solutions
Immigrant & Refugee Community Organization
Impact Northwest
Innovative Housing, Inc.
Interfaith Alliance on Poverty
JOIN
Lane County Health and Human Services
League of Oregon Cities
League of Women Voters of Oregon
Lincoln County
Looking Glass Community Services
Mainstream Housing Inc.
Metro
Mid-Columbia Housing Authority
NAYA Family Center
Neighborhood Partnerships
Neighborhood Impact
NeighborWorks Umpqua
Network for Oregon Affordable Housing
Northwest Housing Alternatives
Northwest Pilot Project
Oregon AFSCME Council 75
Oregon Coalition of Christian Voices
Oregon Center for Public Policy
Oregon Coalition on Housing & Homelessness
Oregon Council on Developmental Disabilities
Oregon Food Bank
Our Children Oregon
Partners for a Hunger-Free Oregon
Portland Community Reinvestment Initiatives
Portland Homeless Family Solutions
Portland: Neighbors Welcome
Proud Ground
Raphael House
REACH CDC
Residents Organizing for Change (ROC) Oregon
Rogue Action Center
Rose CDC
St. Francis Shelter
St. Vincent de Paul of Lane County, Inc.
ShelterCare
Sisters Habitat for Humanity
Sponsors, Inc.
SquareOne Villages
Street Roots
Think Real Estate
Transition Projects
Washington County
Welcome Home Coalition