

House Bill 2650

Sponsored by Representative DOHERTY (Pre-session filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Prohibits landlord evaluating applicant for tenancy from considering criminal history prior to performing criminal background check.

A BILL FOR AN ACT

1
2 Relating to evaluation of applicant for residential tenancy; creating new provisions; and amending
3 ORS 90.303.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 90.303 is amended to read:

6 90.303. (1) When evaluating an applicant, a landlord may not consider an action to recover
7 possession pursuant to ORS 105.105 to 105.168 if the action:

8 (a) Was dismissed or resulted in a general judgment for the applicant before the applicant sub-
9 mits the application. This paragraph does not apply if the action has not resulted in a dismissal or
10 general judgment at the time the applicant submits the application.

11 (b) Resulted in a general judgment against the applicant that was entered five or more years
12 before the applicant submits the application.

13 (2) When evaluating the applicant, a landlord may not consider a previous arrest of the appli-
14 cant if the arrest did not result in a conviction. This subsection does not apply if the arrest has
15 resulted in charges for criminal behavior as described in subsection (3)(b) of this section that have
16 not been dismissed at the time the *[applicant submits the application]* **landlord screens the appli-**
17 **cant as described in ORS 90.295.**

18 (3) When evaluating the applicant[,]:

19 (a) **The landlord may not question the applicant, verbally or in writing, regarding the**
20 **criminal conviction and charging history of the applicant prior to screening the applicant.**

21 (b) **After screening the applicant,** the landlord may consider criminal conviction and charging
22 history if the conviction or pending charge is for conduct that is:

23 [(a)] (A) A drug-related crime;

24 [(b)] (B) A person crime;

25 [(c)] (C) A sex offense;

26 [(d)] (D) A crime involving financial fraud, including identity theft and forgery; or

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

29 [(A)] (i) Property of the landlord or a tenant; or

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

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 **SECTION 2.** The amendments to ORS 90.303 by section 1 of this 2017 Act apply to appli-
2 cations for tenancy dated on or after the effective date of this 2017 Act.
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