

IMPACT STATEMENT

Legislation title: Add City Code Chapter 30.01.086 to include renter protections in the form of screening criteria regulations. (Ordinance)

Contact name: Jamey Duhamel

Contact phone: 503-823-3061

Presenter name: Jamey Duhamel

Purpose of proposed legislation and background information:

MISSION

Create clear channels to access housing of choice for all renters regardless of background that is consistent, fair, and equitable and maintains dignity and humanity for the renter.

SUMMARY

Housing is a fundamental need for all people. Fair access in renting is essential to stabilizing families as well as improving negative social outcomes like homelessness, racial disparities, and recidivism rates for justice involved individuals. Best practices as well as social research all support the notion that when people have a home, they are better able to contribute to the community and governments spend less money on additional services.

The 2018 FHCO audit of screening practices in the city of Portland found that 1 in 4 renters are currently being discriminated against for race and/or nation of origin. This policy proposal does not prevent all discrimination, it simply makes it much harder for bad actors to hide it, and much easier for good actors to be identified. Our proposal uses best practices and national research to dispel the mythologies that prevent people from accessing housing and improving their lives.

OUTCOMES

1. Establishes first come-first serve for application processing.
2. Requires tenant notice of rights included with applications.
3. Requires preference for applicants with mobility challenges to be matched with units that are ADA compliant.
4. Allows for many different forms of identification beyond government issues id.
5. Lowers the income-to-rent ratio to 2x the current monthly rent.
6. Allows landlords to choose between a low-barrier threshold criteria or individualized assessments for all barriers including credit, rental, and criminal histories.
7. Establishes research based "look back" periods for criminal histories.
8. Establishes a process for disability modification requests.
9. Creates parameters around what can be charged for screening fees and time frame for returning fees if applications are not processed.

10. Exempts agreements between housing providers and resource providers assisting clients into housing.

The policy is intended to take effect after a 6-month delayed implementation plan.

Financial and budgetary impacts:

This legislation would require additional funding the Portland Housing Bureau to create the forms and delayed implementation plan. PHB also estimates need for additional ongoing staffing in their Rental Services Office to assist landlords and tenants in understanding and following the new law.

Community impacts and community involvement:

This legislation creates significant impact on both the housing provider market as well as on tenants. There have been well over 100 hours dedicated to workshopping this legislation with landlords, affordable housing providers, resource providers, tenant advocates, legal advocates, and other market players.

It has also been presented to several city commissions including the Human Rights Commission, the Portland Commission on Disability, New Portlanders Commission, the Fair Housing Commission, the Relocation Technical Advisory Committee, and the Rental Services Commission.

100% Renewable Goal:

N/A

Budgetary Impact Worksheet

Does this action change appropriations?

YES: Please complete the information below.

NO: Skip this section

| Fund | Fund Center | Commitment Item | Functional Area | Funded Program | Grant | Sponsored Program | Amount |
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**Items 558 and 559 Approved Amendments
Voted June 12, 2019**

MAYOR WHEELER

AMENDMENT 1:

- C. Tenant Application Process; Generally.
- 2. Order of Processing Applications.
- a. Applications Received in Response to an Advertised Notice.

~~(2) With regard to any applications received earlier than the Open Application Period, Landlord must digitally or manually record the date and time of such complete applications as 8 hours after the start of the Open Application Period.~~

Motion to remove Code Section 30.01.086 C.2.a.(2) : Moved by Wheeler and seconded by Hardesty. (Y-2 Fritz, Wheeler; N-3 Eudaly, Fish, Hardesty. Motion failed)

AMENDMENT 2:

- C. Tenant Application Process; Generally.
- 2. Order of Processing Applications.
- a. Applications Received in Response to an Advertised Notice.

4. (3) A Landlord owning any ~~50 or fewer~~ any Dwelling Units within the City of Portland, may refuse to process the application of an Applicant who has verifiable repeated Rental Agreement violations with this Landlord if the most recent violation occurred within 365 days before the Applicant's submission date.

Motion to amend Code Section 30.01.086 C.2.a.(4) : Moved by Wheeler and seconded by Fritz.(Y-5)

AMENDMENT 3:

- C. Tenant Application Process; Generally.
- 2. Order of Processing Applications.
- c. Applications for Accessible Dwelling Units.

~~(2) If there are multiple Applicants for an Accessible Dwelling Unit with a family member who self-identifies as Mobility Disabled, the Landlord must accept, conditionally accept, or deny such applications in order of receipt, but prior to processing completed applications for Applicants without household members who self-identify as Mobility Disabled.~~ Preferential access for the accessible dwelling units will be given to people with mobility disabilities.

Motion to amend Code Section 30.01.086 C.2.c.(2) : Moved by Wheeler and seconded by Fritz. (Y-5)

AMENDMENT 4: WITHDRAWN

- D. General Screening Process.

Landlords must apply the General Screening Process described in this Subsection D but may screen Applicants using additional Screening Criteria. If applying additional Screening Criteria, the Landlord must: 1) use a Screening Criteria no more prohibitive to the Tenant than the low-barrier ("Low-Barrier Criteria") described in subsection E; ~~or 2) use a Screening Criteria of the~~

Landlord's choosing (Landlord's Screening Criteria); however, when using the Landlord's Screening Criteria, Landlord must conduct an individual assessment ("Individual Assessment") in accordance with the requirements of Subsection F, before denying an Applicant.

Motion to amend Code Section 30.01.086 D: Moved by Wheeler and seconded by Fritz.
Motion withdrawn.

AMENDMENT 5:

2. Financial Responsibility of Applicant.

d. If an Applicant does not meet the minimum income ratios as described in Subsection 2.a. and 2.b. above, a Landlord may require additional and documented security from a guarantor, or in the form of an additional security deposit pursuant to Subsection 30.01.087 A. Landlord shall communicate this conditional approval to the Applicant in writing and indicate the amount of the additional security. Applicant will have no less than 48 hours to accept or decline this opportunity. ~~If Applicant chooses to provide additional security, it may select between obtaining a guarantor or posting an additional security deposit and for the latter, may pay the security deposit in installments and within the timeframe established in Section 30.01.087.~~

Motion to amend Code Section 30.01.086 D.2.d: Moved by Wheeler and seconded by Fritz.
(Y-5)

AMENDMENT 6:

2. Financial Responsibility of Applicant.

e. If a landlord chooses to require additional documented security from a guarantor, ~~If Applicant elects to provide a guarantor,~~ Landlord may require the guarantor to demonstrate financial capacity. If the guarantor is a friend or family member, Landlord cannot require the guarantor to have income greater than 3x the Rent amount. Landlord may not require an Applicant's guarantor agreement to exceed the term of the Rental Agreement.

Motion to amend Code Section 30.01.086 D.2.e: Moved by Wheeler and seconded by Fritz.
(Y-5)

AMENDMENT 7:

G. Exemptions

d. Tenancies where the Applicant would occupy one Dwelling Unit in a Duplex where the Landlord's principal residence is the second Dwelling Unit in the same Duplex; or

e. Tenancies where the Applicant would occupy an Accessory Dwelling Unit that is subject to the Act in the City of Portland so long as the owner of the Accessory Dwelling Unit lives on the site.

Motion to add Code Section 30.01.086 G.2.d and e: Moved by Wheeler and seconded by Hardesty. (Y-2 Fish, Wheeler; N-3 Eudaly, Fritz, Hardesty. Motion failed.)

Motion to reconsider vote: Moved by Fritz, seconded by Fish. (Y-5)

Action: Fritz changed vote on amendment to add Code Section 30.01.086 G.2.d and e: No objection. Approved. (Y-3 Fish, Fritz, Wheeler; N-2 Eudaly, Hardesty)

COMMISSIONER EUDALY

AMENDMENT 1:

For Items 512 and 513, amend ordinance language to change the implementation date from October 1, 2019 to March 1, 2020.

Rationale: We are determined for this item to be successful in practice and for the Housing Bureau to have plenty of time to create the administrative rules and provide training to landlords and tenants. We have been told that moving the date to March will provide the time necessary to accomplish those tasks.

Motion to amend ordinance language for items 512 and 513 to change the implementation date from October 1, 2019 to March 1, 2020: Moved by Eudaly and seconded by Fish. (Y-5)

AMENDMENT 2:

For Exhibit A of Item 512, Under Subsection E.2. Evaluation Denial; Low-Barrier, amend to include, "b. Before denying an Applicant for criminal history using the Low-Barrier criteria described in this Subsection, a Landlord must consider Supplement Evidence provided by the Applicant if provided at the time of application submittal."

Rationale: This language was included in the previous draft of the policy that came to council in April. We made a policy decision to remove it for a variety of reasons including administrative burden, but since releasing the substitute draft, we have heard from our close community partners that they are very concerned we would not be supporting Federal Fair Housing Law by leaving it out. As this policy is designed to further Fair Housing Law, we are requesting it be put back in.

Motion to add Code Section 30.01.086 E.2.b: Moved by Eudaly and seconded by Hardesty. (Y-4; N-1 Fritz)

AMENDMENT 3:

For Exhibit A of Item 513, Under Subsection F, amend to say, "Within 5 business days of receiving a request from a Tenant or giving a notice of intent to terminate a tenancy..."

Rationale: It was our intent to change this language when we were working on the substitute, but it got lost in translation. The intent of the requirement is to give tenants the information they need to successfully apply to new units, and therefore would need to be made available to tenants while they are filling out applications, not after they found a place and are moving out.

Motion to amend Code Section 30.01.087 F: Moved by Eudaly and seconded by Fish. (Y-5)

COMMISSIONER FISH**AMENDMENT 1:**

Require annual reports to Council on this policy.

"e. the Portland Housing Bureau shall annually report to City Council on the progress and implementation of this policy, including recommendations for any changes that may be needed."

Motion to require annual reports to Council on this policy: Moved by Fish and seconded by Hardesty. (Y-5)

**Motion to suspend the rules + motion to hold the meeting on
Wednesday evening for FAIR**

**Make this motion at the beginning of the Council Meeting*

As discussed at the Council Meeting yesterday afternoon, Commissioner Eudaly has requested to move Items 483 and 484 to next week's agenda. We have discussed having the hearing on these two items in the evening next Wednesday. In order to do that procedurally, I offer the following:

"I move to suspend Code Section 3.02.010 that requires two weeks' notice for an evening Council session, and that Council meet at 6:00PM next Wednesday, May 29th. Do I have a Second?"

294

Submitted by
Eudaly
4-04-2019
Fritz 2nd

Eudaly Amendments-April 4th

189580

3. In the screening criteria policy, amend Section D.1.b. to say,
"Permanent Resident Card or Permanent Resident Alien
Registration Receipt Card."

4. In the screening criteria policy, amend Section E.1.a.6 and 7
to include the language, "excluding court-mandated
prohibitions that are present at the property for which the
applicant has applied."

- (4) Any conviction for a crime that is no longer illegal in the State of Oregon;
- (5) Any conviction or any other determination or adjudication in the juvenile justice system;
- (6) Any criminal conviction for misdemeanor offenses for which the dates of sentencing are older than 3 years, excluding court-mandated prohibitions that are present at the property for which the applicant has applied;
- (7) Any criminal conviction for felony offenses for which the dates of sentencing are older than 7 years, excluding court-mandated prohibitions that are present at the property for which the applicant has applied.

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b. Applicant Credit History:

- (1) A credit score of at least 500;
- (2) Insufficient credit history, unless the Applicant in bad faith withholds credit history information that might otherwise form the basis for a denial;
- (3) Negative information provided by a consumer credit reporting agency indicating past-due unpaid obligations in amounts less than \$1,000;
- (4) Balance owed for prior rental property damage in amounts less than \$500;
- (5) A Bankruptcy filed by the Applicant that is discharged;
- (6) A Chapter 13 Bankruptcy filed by the Applicant with an active repayment plan;
- (7) Medical or education/vocational training debt.

c. Applicant Rental History:

- (1) 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;
 - (b) Resulted in a general judgment against the Applicant that was entered 3 or more years before the Date of Submission;
 - (c) Resulted in a general judgment against the Applicant that was entered fewer than 3 years before the Date of Submission if:
 - (i) The termination of tenancy upon which the action was based was without cause (no-cause eviction); or

April 3, 2019
Eudaly moved
Hardesty 2nd

Eudaly Amendments

189580

294 Amendment 1: Amend Screening Criteria code section D.4.b. to adjust the look back periods for non-heads of household.

295 Amendment 2: Amend Security deposit code section F to clarify the length of time for the payment history requirement.

- (3) Must consider the cumulative financial resources of all Heads of Household who apply.
- d. A Landlord may require additional security in the form of a guarantor (family member, friend, non-profit organization, private company, or a government agency as may be identified by the Applicant) or an additional deposit as described in Subsection 30.01.087 A. if Applicant's income falls at or below the gross monthly income of 2 times the amount of the Rent. Landlord must allow the Head(s) of Household to select between a guarantor or posting an additional security deposit.
- e. Landlord may require a family or friend guarantor to demonstrate an income up to but not greater than 3 times Rent for the Dwelling Unit and may require verifiable employment, verifiable residence within the United States, and the absence of active collections activity for delinquent property, tax, or utility debt. Landlord may not require an Applicant's guarantor agreement to exceed the term of the Rental Agreement.
4. **Evaluating Tenant Applicants Who are Not Head of Households.** Landlord may screen adult Applicants for a Dwelling Unit who are not responsible for paying the Rent only for factors related to maintaining the property, and for conduct consistent with the health, safety or peaceful enjoyment of the premises by other residents or the Landlord as follows:
- a. Landlord may evaluate the criminal and non-financial rental history of prospective tenants (who are not Heads of Household) for conduct of a nature that would indicate conduct consistent with Landlord's Rules of Residency and conduct would not compromise the safety, security or peaceful use and enjoyment of the property by other tenants or the Landlord.
- b. The Landlord may consider ~~criminal and~~ non-financial rental history for a period no more than 1 year prior to the application Submission Date and criminal history no more than 3 years for misdemeanors and 7 years for felonies prior to the application Submission Date.
5. **Applicants with Pattern of Rental Agreement Violations.** A Landlord owning 50 or fewer Dwelling Units within the City of Portland, may refuse to consider the application of an Applicant who has verifiable repeated Rental Agreement violations with this Landlord if the most recent violation has occurred within 365 days before the Applicant's Submission Date.
6. **Communication of Determination.** Within 2 weeks after Landlord completes its evaluation of an Applicant, Landlord must communicate approval or denial (including a statement of the basis for denial).
7. **Screening Fees.**

Landlord obtain third-party validation of the condition of the Dwelling Unit, Tenant's Condition Report shall establish the baseline condition of the Dwelling Unit as of the Commencement Date against which the Landlord will be required to assess any Dwelling Unit repair or replacement needs identified in a Final Inspection that will result in costs that may be deducted from the tenant Security Deposit as of termination of the Rental Agreement (the "Termination Date"). An unresolved dispute as to the condition of the Dwelling Unit as of the Commencement Date shall be resolved in favor of the Tenant. If the Tenant does not complete and submit a Condition Report to the Landlord within the initial 7 days of tenancy, then the Landlord shall thereafter complete and provide to the Tenant a Condition Report including digital photographs of the premises within 10 days following the first week of the tenancy. The Landlord shall update the Condition Report to reflect all repairs and replacements impacting the Dwelling Unit during the term of the Rental Agreement and shall provide the updated Condition Report to the Tenant.

2. Within 1 week following the Termination Date the Landlord shall conduct a walk-through of the Dwelling Unit at the Tenant's option, with the Tenant or Tenant's representative, to document any damage beyond ordinary wear and tear not noted on the Condition Report (the "Final Inspection"). A Tenant, and/or the Tenant's representative, may choose to be present for the Final Inspection. The Landlord must give notice of the date and time of the Final Inspection at least 24 hours in advance to the Tenant.
 3. The Landlord shall prepare an itemization describing any repair in accordance with the itemization incorporated into the Rental Agreement. The Landlord shall document any visual damage in excess of normal wear and tear with photographs that the Landlord shall provide to the Tenant with a written accounting in accordance with ORS 90.300 (12). To the extent that a Landlord seeks to charge labor costs greater than \$200 to a Tenant, the Landlord must provide documentation demonstrating that the labor costs are reasonable and consistent with the typical hourly rates in the metropolitan region. A Landlord may not charge for the repair of any damage or repair or replacement of malfunctioning or damaged appliances, fixtures or equipment noted on the Condition Report.
- E. Contemporaneously with the delivery of the written accounting required by ORS 90.300 (12), the Landlord must also deliver to the Tenant a written notice of rights regarding Security Deposits ("Notice of Rights"). Such Notice of Rights must specify all of Tenant's right to damages under this Section. The requirement in this Section may be met by delivering a copy of this Section to the Tenant and contact information for the nearest Legal Aid Services of Oregon, or online and physical address of the Oregon State Bar.
- F. Within 5 business days of receiving or giving a notice of intent to terminate a tenancy, a Landlord must provide a written accounting to the Tenant of the Tenant's Rent payment history that covers up to the longer of the term of the tenancy or the prior 2 years of tenancy,

Additional docs
Submitted by Eudaly
4-3-2019 189580

FAIR PROPOSAL SUPPLEMENTAL MATERIALS

Housing Access for Offenders of Extreme Crimes

Should we take extra precautions with sexual offenders, arsonists, and other high impact crimes?

First, there is a great deal of mythology that surrounds some of the higher impact crimes. No one is suggesting that these crimes should be overlooked or not given more consideration than lower impact crimes if a landlord is worried about safety. However, because there is a great deal of variety and circumstance for each criminal offense, individualized assessments are designed to allow for these nuances to be explained and considered.

Consider the following:

- Recidivism research that analyzes likelihoods of re-offense do not make a distinction between types of crime. *In general, **time elapsed since offense occurred is the primary predictor*** of whether someone will re-offend.
- An example of mythologies that prevent housing include the outright ban on anyone with an arson history currently in practice in most rentals in the city. There is a belief that arsonist present an immediate danger and that their histories make their insurance coverage vulnerable. In fact, research shows that there is a wide variety of contexts for an arson charge including pyromania, revenge, vandalism, insurance fraud, and crime concealment. While none of these reasons are “good”, they provide different levels of risk to a landlord’s property as they are often contextual to a person’s life circumstances at the time they committed the crime.
- Offenders who commit extreme violent acts including homicide represent a small fraction of people with criminal histories and most are in prison for very long periods of time. If someone is coming out of prison after serving a sentence for extreme violence, the *greatest* likelihood to keep our communities safe is to allow them access to stable permanent housing as soon as possible. Recidivism research shows that **rates for re-offense are even lower for older adults**, which many offenders who committed extreme acts are once they are finally released. Recent housing research supports that even people with violent felonies **do not have a higher rate of negative housing outcomes**.
- Another example of mythologies that prevent access to housing is non-forcible sex offenses such as molestation. There is a belief that all people

with sexual offense histories present an immediate danger, especially to children. However, **national statistics show that 90% of molestation offenses are committed by family or close personal friends.** Which means, the idea that someone who is convicted of this crime would then target and perpetrate on all children is mostly false. The same is true for a “statutory rape” offense that juveniles who are 17yo can be charged for if they engage in sexual activity with someone under the age of consent for the area (a 15yo for example).

- Further, there is **no consistency or regulation about which charges make it onto a sexual offense registry.** Across the country, how and when these registries are used varies widely and can have discriminatory impacts. In fact, there is an increasing number of communities and organizations working to pull back on the use of registries, (which are fairly new and didn't exist before a few years ago) and decrease their impacts because they are creating circumstances for offenders that could be considered “cruel and unusual punishment”. Statutory rape of a 17 yo with a 15 yo can get the same sentence as a family member offending against a child which can get the same sentence as someone who “flashes” in parks. Again, the specific contexts of the crime, the age of person at the time of offense, and the positive changes that have taken place in that person's life need to be given meaningful consideration because no crime is created equal.
- If a sex offender is required to be registered, **they will have government oversight and will be banned from renting under certain conditions anyway** which their parole officer would work with them on. If they are not registered, chances are good they are not considered a risk. If they should be registered and aren't, they are very likely couch surfing or home buying or hiding their criminal record which happens now anyway and there is no way to change it.
- Finally, the **Vera Institute of Justice** makes a compelling argument that we are **all safer when former offenders of every kind have access to stable housing as soon as possible.** Segregating them in specific housing increases negative outcomes just as denying them housing completely does. In fact, it is ultimately safer for a family with children to be aware of their neighbors, than it is for them to assume that no criminal offenders live near them. If we continue to deny housing to specific types of criminal offenders, we in fact exacerbate the secret coping mechanisms they use to get into housing anyway, making neighbors even less aware of their immediate surroundings.

FAIR Proposal: Policy Shifts to Address Concerns

Screening Criteria

| Issue | Previous Draft (s) | Change Draft | Advantages | Challenges |
|-------------------------------------|---|--|---|---|
| 1. Barrier Screening | <p>Previous drafts of the policy began with a 10 point scale to assess "risk" but we heard from all property management companies that they felt it was too complicated. We then moved to a mandated individualized assessment model for ALL barriers (which is a process already described in federal guidance), but again recognized it would create administrative burden to require across the board.</p> | <p>Late last year, a group of landlords invited us to a meeting and explained they had been working behind the scenes for a couple months to create an alternative policy. They are the ones who asked for us to create the two-track system (choosing between low-barrier criteria or individual assessment), which we adopted.</p> | <p>Gives greater flexibility to landlords, provides a "fast track" model based on research, and does not conflict with state law.</p> | <p>Two models may feel more complicated than one.</p> |
| 2. Accessibility preferences | <p>Previous drafts of the policy recommended a preference policy for any units that met 60% compliance with ADA standards. The goal was to alleviate the burden on people with disabilities who often need to pay for modifications in their units. However, landlords told us that there is no such inventory and it would require a great deal of time and money to create one for each unit.</p> | <p>We moved to a preference policy focusing only on units that are fully accessible as all landlords are aware which of those units exist today and it wont require additional time or money to identify.</p> | <p>People with mobility challenges will know which units already meet their needs and will get first shot at being screened for them.</p> | <p>People who need additional modifications will still not know which units in the city are already partially modified in order to keep their costs down.</p> |

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| 3. Supplemental Evidence Timeline | <p>Previous drafts of the policy required landlords to give an additional 72 hours to applicants who were going to be denied for any barriers. Based on landlord feedback, we narrowed that window to 24 hours. However, at a membership meeting with MFNW last year, landlords made a compelling case that 24 hours is too difficult to regulate and puts them at risk of non-compliance accidentally. We agreed and removed the additional time.</p> | <p>The current draft states that any supplemental evidence a tenant wants considered if they are denied must be provided for at the time they submit their completed application.</p> | <p>This minimizes the turn over time it takes to screen and doesn't put landlords and tenants in the position to have to rush to get information. It also minimizes chaos and confusion.</p> | <p>It will require tenants to "out" their issues before a denial is even established. Having to anticipate concerns that a landlord may not even notice or care about may increase the risk that the landlord will choose to care about it.</p> |
| 4. Advertisement Timelines | <p>Previous drafts of the policy suggested a week timeline for advertising before a unit becomes available. Landlords told us that a week was cumbersome and would slow down turnover for those apartments that they only become aware are available to rent at the last minute. They didn't want any timeline but we felt it was critical to balance the inherent inequities of a first-come, first-served model. We discussed shorter time frames with them and landed on 3 days.</p> | <p>The policy now requires a 3 day timeline which we feel is the minimal amount needed to give tenants the opportunity to get assistance with the application or get time off from work.</p> | <p>We believe 3 days is enough time for landlords to turn over units before they are available to rent and it is also enough time for tenants to get their information together.</p> | <p>Landlords continue to say that the timeline is too long and delays turn over of units. Advertising requirements may conflict with free speech laws but it is unclear until city attorneys complete their analysis.</p> |

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| 5. One Year Ban | Earlier versions did not account for landlords who had multiple units and spent a great deal of time and money to remove a bad tenant from their properties. They requested the ability to reject an application if the same tenant they just evicted applies for another unit within their portfolio. | We included a one year ban that landlords can use in specific circumstances. We limited it to landlords to who have 50 units or less to prevent creating a ban on a single tenant in an entire community as many landlords have multiple holdings in certain parts of the city. | Landlords can avoid renting to tenants that have recently created problems for their properties. | Tenants may be banned from significant portions of communities if a landlord owns many in one area. |
| 6. Notice of Denial | Previous drafts described an even lengthier version of the Notice of Denial. Landlords have always opposed this part of the policy and have requested it be removed altogether. They believe this creates the most legal risk, money, and administrative burden for them. | We adjusted the Notice of Denial and removed requirements that were more speculative in nature and presented a true legal risk including asking them to describe to the tenant the types of supplemental evidence they could have provided that the landlord would have accepted. | Beta Test mock screenings showed that the current version does not prevent the landlord from denying, and while they may consult lawyers to establish the variety of "business interest" reasons they can deny, they won't need a lawyer to analyze every notice, every time. | Landlords will likely consult lawyers to establish a baseline of "business interest" reasons they can cut and paste, and the shorter analysis may not provide tenants with all the information they could use to improve their chances at housing access. |
| Security Deposit | | | | |
| 1. Rent Caps | Earlier drafts of the policy included caps on pet deposits, and did not include additional security for barriers or low-income. Landlords told us that these additional amounts were necessary to offset risks and would create a lot of financial problems. | We adjusted the rent caps, removed the pet deposit caps, and included additional deposit allowances for barriers and low-incomes to offset risks. | Landlords can offset their risks more. Tenants have additional opportunities access housing if a landlord would otherwise deny them. | Landlords believe the amount is still too low to offset their risks. Tenant advocates are concerned that the additional amounts continue to serve as an unfair burden to vulnerable tenants. |

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| 2. Depreciation Model | Our first version of a depreciation model required that depreciation follow a standardized "lifespan" of common items. Landlords felt these were too complicated so we moved to a straight-line depreciation that is in IRS tax code. However, that model is not made to assess value of unit items like appliances, and actually disadvantages tenants. | There is currently no depreciation model identified in code and we are leaving it up to PHB to figure it out in administrative rule making. | PHB can spend additional time to identify a model that meets most concerns. | State law does not require depreciation so many landlords feel they have a right to charge full new replacement costs for used items. Landlords will be required to spend more of their business profit re-investing in their properties to replace used items with new instead of relying on deposits to cover it. |
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Screening Criteria Findings Research

1. Fair Housing Findings

[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](#)

[Indicators of Disparate Treatment in Portland Rental Housing](#)

2. Discrimination in Affordability

[Portland State of Housing Report 2018](#)

[Metro Snapshots](#)

3. Discriminatory Barriers

[National Fair Housing Alliance: Discriminatory Effects of Credit Scoring on Communities of Color](#)

[National Consumer Law Center: Past Imperfect: How Credit Scores and Other Analytics "Bake In" and Perpetuate Past Discrimination](#)

[National Health Care for the Homeless Council: Criminal Justice, Homelessness, and Health](#)

[Prison Policy Initiative: Oregon Profile](#)

[Seattle Eviction Study: Losing Home](#)

[Discrimination in Evictions: Harvard Civil Liberties Law Review](#)

4. [Risk Mythology](#)

[Success in Housing: Wilder Research Study](#)

[SCARLET LETTERS AND RECIDIVISM: DOES AN OLD CRIMINAL RECORD PREDICT FUTURE OFFENDING?*](#)

[N.Y.U Journal of Legislation and Public Policy: TENANT SCREENING IN AN ERA OF MASS INCARCERATION: A CRIMINAL RECORD IS NO CRYSTAL BALL](#)

[National Low Income Housing Coalition: Housing Access for People with Criminal Records](#)
[Housing Authority of New Orleans](#)

[United States Sentencing Commission: Recidivism Among Federal Offenders A Comprehensive Overview](#)

5. [Screening Criteria Solutions](#)

[2010 Fair Housing Action Plan](#)

[AHFE Housing Workgroup Plan](#)