

TESTIMONY OF MICHAEL KEBEDE, ESQ

Ought to Pass - LD 1904

An Act to Enact the Maine Fair Chance Housing Act

JOINT STANDING COMMITTEE ON JUDICIARY

May 15, 2023

Senator Carney, Representative Moonen, and distinguished members of the Joint Standing Committee on Judiciary, good morning My name is Michael Kebede, and I am Policy Counsel at the ACLU of Maine, a statewide organization committed to advancing and preserving civil rights and civil liberties guaranteed by the Maine and U S Constitutions On behalf of our members, we urge you to support LD 1904

Approximately 70 million people in the United States have criminal records¹ The impact of a criminal record on a person's life can be devastating, the American Bar Association has identified over 45,000 collateral consequences of having a criminal record² These include barriers to housing, education, licensing, and employment, among other things They can haunt a person for decades after that person has served their court-ordered sentence Collateral consequences have become so ubiquitous that that they implicate key constitutional concerns for people convicted of crimes, such as the proportionality of a person's sentence (the Eighth Amendment) and due process (the Fifth and Fourteenth Amendments)

Beyond the legal arguments, there are policy implications for criminal records as well Without access to shelter or employment, it is much harder for returning citizens to successfully integrate back into their communities Safe, reliable housing is a foundational element from which people can seek and maintain steady employment and keep or regain custody of their kids Barriers to housing can mean fewer healthy families, less stability in our communities, and fuller jails and prisons By creating a foundation on which returning citizens can have the best chance of rejoining their communities, the legislature can free up resources that we currently spend on the revolving door of the justice system Our state will be safer and stronger, and families will be healthier and

¹ National Employment Law Project Fact Sheet, <http://www.nelp.org/content/uploads/Ban-the-Box-Fair-Chance-Fact-Sheet.pdf>, April 2017

² Catherine E. Forrest, Collateral Consequences of a Criminal Conviction: Impact on Corrections and Reentry, at 31, NIJ Update, Corrections Today, 2016, <https://www.ojp.gov/pdffiles1/nij/249734.pdf>

more stable when every person living with a criminal record has an equal chance of finding housing

This bill takes a very balanced approach to this serious problem. If enacted, it would prohibit landlords from considering an applicant's criminal history until after the landlord determines that the applicant meets all other qualifications for tenancy. Importantly, this bill would not take away landlords' ability to look at renters' criminal histories. It would only prevent a snap judgment at the outset of someone's application based on a criminal record. Once the landlord determines that the renter meets all other qualifications for tenancy, then the landlord can look at the renters' criminal history information. If a landlord violates any of the provisions of the bill, the bill would also give tenants the right to file a lawsuit against the landlord, provided that the tenant first receives a favorable opinion from the Maine Human Rights Commission. This bill's proposed general rule, and its proposed remedy, would both help solve the problem of discrimination against people with criminal records. We urge you to vote *ought to pass*.