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SPEAKER OF THE HOUSE

Monday, May 15th, 2023

Testimony of Speaker Rachel Talbot Ross supporting
LD 1904, An Act to Enact the Maine Fair Chance Housing Act
Before the Joint Select Committee on the Judiciary

Senator Carney, Representative Moonen and esteemed members of the Joint Standing Committee on Judiciary, I am Rachel Talbot Ross I represent House District 118 which is the Portland peninsula I also have the distinct honor of serving as the Maine Speaker of the House I am here today to present **LD 1904, An Act to Enact the Maine Fair Chance Housing Act.**

This bill is a continuation of work that I began in the 129th Legislature At that time I proposed a bill, LD 1572, that was very similar to the one before you today Eventually, in the 130th Legislature, I introduced **LD 1201, Resolve, Directing the Maine State Housing Authority To Engage Stakeholders in an Examination of Fair Chance Housing Policy Options** That was enacted and became Resolve, Chapter 75 in 2021 The Maine State Housing Authority issued its Report in August of 2022 Both of those bills were before the Joint Standing Committee on Labor and Housing and the Report was presented to that Committee I will discuss that Report later and have attached it to my testimony today LD 1904 is before you because it amends the Maine Human Rights Act which falls within the jurisdiction of the Committee

Housing is among the most very basic of a person's needs and is fundamental to an individual's success and well-being For people who have been involved in the criminal justice system, however, a safe, appropriate place to call home is often kept out of reach According to the Prison Policy Initiative, "[p]eople who have been to prison just once experience homelessness at a rate nearly 7 times higher than the general public" and "people who have been incarcerated more than once have rates 13 times higher than the general public "

The inability to access housing is a tremendous barrier when reentering one's community after incarceration, contributing to poor outcomes such as recidivism

District 118: Portland neighborhoods of Parkside, Bayside, East Bayside, Oakdale and the University of Southern Maine Campus

This is demonstrated by the fact that, according to the advocacy organization Opportunity Starts At Home, “recent homelessness is far more common among [incarcerated people] than the general population ”

The Prison Policy Initiative has also reported that affordable and safe housing is a necessity and is critical for creating a society wherein people who have been directly affected by the criminal justice system can thrive We are all aware of the desperate need for affordable housing for all populations throughout Maine A criminal record only compounds that problem by further limiting those options for formerly incarcerated persons LD 1904 addresses that problem head on by declaring it is the public policy of the State to ensure that equitable access to safe, decent and affordable housing extends to all residents of the State, including individuals involved in the criminal justice system and their families

In order to advance that public policy, this bill creates the Maine Fair Chance Housing Act to ensure that a person is not denied housing based solely on the existence of a history of criminal convictions This bill prohibits a housing provider from considering an applicant's criminal history until after the housing provider determines that the applicant meets all other qualifications for tenancy In that way it is similar to the ban the box law that enhances the ability of formerly incarcerated persons to obtain meaningful employment It is another tool to help justice involved Mainers, who have paid their debt to society for prior misdeeds, to become part of the community, to thrive, and to contribute to Maine's economy with their labor and by paying taxes for the salary earned by that labor However, if we do not do all that we can to help these persons secure safe and affordable housing none of that will be possible

I want to take a moment to demonstrate the simplicity of LD 1904 and ask you to consider the power in its simplicity The primary thing that this bill does is to create a society where a formerly incarcerated person has a fair chance when they are trying to rent a home The law states that a “housing provider may not inquire into or consider an applicant's criminal history until the housing provider has determined that the applicant meets all other qualifications for tenancy ” LD 1904 simply seeks to ensure that housing providers consider a person's financial and other qualifications before asking about prior involvement with the criminal justice system It **does not**, I **repeat does not**, prevent the question from being part of the overall process or being used by the housing provider in making a final decision

LD 1904 is very similar to the approach used at the federal level by the U S Department of Housing and Urban Development (HUD) In 2016, HUD released

guidance that recognized that blanket bans against people with criminal records could violate the federal Fair Housing Act in light of the disproportionate numbers of people of color in the criminal justice system. Providing justice involved persons with a fair chance advances the purposes behind the landmark Fair Housing Act.

If enacted, LD 1904 will improve the lives of a significant number of people. The Department of Corrections releases approximately 100 adults back into the community every month. The Department is well aware that these men and women face very real challenges. Reducing the barriers to obtaining safe and affordable housing can help facilitate reentry and improve the lives of those adults and their families.

In order to protect the right to a fair chance for housing, LD 1904 does contain an administrative enforcement mechanism. A person who is aggrieved by a violation of the Maine Fair Chance Housing Act by a housing provider may file a grievance with the Maine Human Rights Commission. Today, however, I am presenting an amendment to the bill that removes the ability of that aggrieved person to file a private right of action in court by eliminating 5 M R S A §4775 (2).

As I close my testimony today, I ask you to consider the work done by the Maine State Housing Authority. In response to the Resolve passed in the 130th Legislature, the Housing Authority worked with a very broad group of stakeholders that included housing providers, landlords, currently and formerly incarcerated persons, civil rights and economic justice organizations, the Department of Corrections, housing advocates and others to examine fair chance housing policy options. They also engaged the Vera Institute of Justice, a national non-profit that works to improve justice systems.

The Report issued by that stakeholder group began by discussing why fair chance in housing is so important.

Access to adequate housing that is safe, stable, and affordable is a fundamental need for all persons and families in order to flourish individually and within a community. The difficulty in finding affordable housing suitable to a household's needs has been well documented. The barriers faced by justice involved individuals in a tight housing market are more acute than the average households as, they are often screened out because of their conviction history. Some are forced to take substandard housing while others are forced to jeopardize their family's tenancy by rejoining a household without being on

the lease These barriers create revolving doors of homelessness and incarceration

LD 1904 provides a mechanism to break these patterns and to disrupt the revolving door of incarceration to homelessness to recidivism LD 1904 advances equity and social justice and helps justice involved individuals reenter society and strengthen their lives, the lives of their families and our communities It is hard to anyone to build a successful life without a place to call home

I thank you for your time and attention this morning and ask that you act favorably on LD 1904 I am happy to answer any questions that you might have