

JOHS Provider Conference

May 29, 2024

Notes from Session: Reducing Legal Barriers to Increase Housing and Stability

Presenters: Sonja Good Stefani

Moderators: Marc Beck

Notetaker: Leslie Ortiz-Angeles

-Key Points from Session Overview/Presentation (info not captured in presentation slide deck):

- 2 years JOHS formed partnership with Community Law Division

-Questions/Answers (summarization):

- After someone has had an expungement - the state police have not taken it off the record?
 - Judge signs order, sends memo to police, takes 30-60 days to seal the deal
 - Non-profit: Foundation for continuing justice - sues background check companies, sends letters to all background check companies to update records.
 - Once you have had your case expunged, it's helpful to know who is running the background check to see what is being pulled up (employment).
 - Do not lose the order!! Record has to be unsealed in order to get another copy of the order.
 - DA is giving out copies of orders at the moment
- Anyone working towards dismiss orders being expunged?
 - Have to file to expunge these as well
 - Law requires you to wait to get a dismissal removed if you have had a recent conviction.
 - Wait times on felonies (even if dismissal) is 5 years if there is a recent conviction.
- How does it work if the client has an out of state warrant/conviction?
 - Sonja's attorneys are only barred in Oregon (2 in Washington). Every state is different - some don't have any (Arizona).
 - Call the public defender of that county for state specific resources.
- If you have anything on your record from another state you cannot file for any kind of expungement here in Oregon?

- It's about timing - if you have a 20 year old case on your record but then recently get another charge (ex: this week) - depending on the charge, you'll have to wait 3,5,7 years - pushes the expungement out.
- Ex: grandma has robbery in 3rd degree (40 years old), she got 3 Trimet tickets in the last year so she had to wait. Kiddos had to wait in DHS custody.
- Has a client with life long parole and probation. Client has a record from Idaho but it was dismissed but still on record.
 - Reaching out to someone in Idaho who can support
 - Date of conviction vs date of release - ex: 2007 vs 2022 - 2022 is the date to go by
- Federal cases - is there something advocating for these folks here to get these expungements.
 - No expungement for federal cases (unless presidential pardon)
 - Federal public defender: someone crossed state lines with a gun in his car - he is a felon in oregon. If the main felony is reduced to misdemeanor then they can address the federal case - currently going through the courts
- What is the referral process - since not a community partner
 - We partner with community based orgs and we only take folks who we have a "permission" to help. There's not enough capacity to take anyone outside of this bubble (not a partner)
 - Oregon state bar has modest means program (small fee)
 - Legal Aid
 - Talk to your orgs! Advocate for this program to become a partner (currently 23 partners)
 - A client through JOHS would be eligible

Pro – Se ClinicsL

- Clackamas does a pro se expungement clinic once a month.
 - Every friday 1-4 PCC Clinic - also expungement clinics
- Settlement with client - agreement but then received a letter with language that states she STILL owes.
 - If you're going to go through the process on your own - beware of sneaky, unclear language.
- If the debt is in collections - settle with them, LL can still provide bad reference.
- Housing Connector?

-Main Discussion Points:

- Staff of 28
 - 4 immigration attorneys

- 6 housing attorneys
- 7 CCBR attorneys (Collateral Consequence Barrier Reduction)
- 10 support staff
 - A client/participant can have more than 1 attorney depending on needs.
- Laws in place to protect from discrimination (religion, gender, national origin, maternity leave, disability income, race)
- 80% of Landlords use criminal background checks
- 500 background check companies
- Housing Barriers for those with records
 - 1 in 3 adults have criminal records
 - ½ of children's parents in this country have a criminal record
- Community partners (List)
- Wellsky # - need to have this to be eligible
- State fund for unclaimed funds

Options - Sonja's team takes a 4 point approach when supporting folks:

- Denial appeal
- Don't need a lawyer for, can do this by themselves, reason to refer to Sonja's org is to support with all points below
 - Step 1: Get copy of the policy
 - Sometimes there are timelines for screening folks OUT of housing
 - Example: 3 years for misdemeanor convictions, 7 years for felony
 - Client was originally charged with felony but pleaded to a misdemeanor. Background check got it wrong and recorded it as a felony. All Sonja did was call the LL and ask for a copy of the judgment - the client was able to move into the apartment with his kiddo the very next day.
 - SB 291 Screening rules
 - Has the LL done an individual assessment?
 - Supplemental evidence: letters of support, classes, certifications, etc.
 - Reasonable accommodation
 - Ex: client has an arson charge, had been denied 7 different times. Was a DV survivor. Incident: Client was locked out of home by abuser who had the kids in the apartment. She lit the door on fire. Was able to get a doctor's letter re: PTSD and how that
- Address the criminal record

- Expungement
 - It in Multco it should only be 4-6 months but it's closer to 18 months. 2022 - new expungement law passed to speed up the process but bill did not come with more funds. So courts and DA office were at capacity and fell behind. Processing about 500 a week - slowing catching up.
 - Sonja plans to introduce an automation bill
- Felony Reduction
 - Some schools have rules in place to prohibit engagement if you have a felony
- Vacating Judgements (non-unanimous jury verdicts) (victims of ST)
 - Recent ruling that helps get that overturned - even if not eligible for expungement
 - Also for victims of sex-trafficking
- SB 819
 - You can get restitution vacated
- Warrant Lifts
- Sex Offenders Registration Relief
 - Lifetime registry
 - Analysis for registration relief
 - 3 never gets of the registry
 - Not eligible for expungement - very few exceptions
- Correcting the record
- Address the housing record
 - As of 2020 - eviction expungements!
 - Automatic expungements come December 2024
 - For judgements on records what we do is reach out to LLs to trade \$\$\$ for vacating judgment. This client has \$8k in past debt - can we pay and they sign a settlement agreement, providing a neutral reference. It becomes a dismissal and can then be expunged
 - COVID evictions - SB 282
- Address the debt
 - Debt negotiation and settlement with past LL
 - Vacating and dismissing evictions
 - Eviction record expungement

- Civil debt?
- Traffic/Parking/Criminal Debt?
 - Multnomah Project Reset
 - <https://mpdlaw.com/multnomah-project-reset/>
- Contract with Home Forward as well - in housing, on waitlist, etc. - no eviction defense.
 - Settling debt is a lot more difficult because it comes through client

Currently at capacity for FY24 - please wait until July 1st to submit new referrals!

Number of clients supported: **578**

Total motions filed on behalf of clients: **1,303**

Total amount of \$ clients saved as a direct result of legal services: **\$461,858.26**

-Takeaways or Follow-Ups for JOHS

(expectations/priorities/recommendations/etc):

- sgstefani@mpdlaw.com