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**Joint Committee on Coronavirus Response
Testimony in Support of Housing Stabilization Policies
March 23, 2020**

Co-Chairs Roblan and Holvey and Members of the Committee:

As Chair of the House Committee on Human Services and Housing, I'd like to combine, reiterate, and add my own recommendations to the recent testimony submitted by Oregon Law Center, Oregon Housing Alliance, and other housing advocates to help people experiencing homelessness, prevent more Oregonians from falling into homelessness, mitigate the financial burden of paying rent and/or mortgages, and avoid foreclosures.

Eviction Moratorium and Late Fees

The Governor's statewide eviction moratorium in Executive Order 20-11 (March 22, 2020) for non-payment and no-cause terminations is an important first step to maintain housing stability. The Governor's order prohibits law enforcement from serving a notice to terminate a tenancy or from executing a judgment after the court process.

The Legislature should expand the moratorium to:

- **Halt residential evictions beyond reasons for non-payment**, to prevent landlords from evicting for for-cause minor lease violations, such as: not maintaining adequate social distancing practices, inviting more people to stay in a unit when they have no place to go, working from home, noise from children forced to stay at home, and hanging laundry up where not allowed (real examples I have heard), should not send someone out into the street with no place to isolate. The only reasons for eviction should be for the immediate safety of others, such as domestic violence or threats. *(Note that we also need funding for increased phone/digital outreach to prevent domestic violence when people are in cramped quarters in a tense environment, and places to move people who are evicted.)*
- **Include Oregonians in their first year of occupancy**, since they were not included SB 608 (2019).

- **Include vulnerable Oregonians living in Long Term Care Facilities.** As a population that is particularly at risk in this crisis and often without other options of places to live, the state should halt all involuntary move-outs in Long Term Facilities.
- **Prohibit lease terminations** altogether during this coronavirus state of emergency, as opposed to prohibiting the action at the time of filing in court or prohibiting law enforcement from executing a judgment. Most common service of a termination notice is by the landlord himself, not law enforcement. Even if a tenant receives a termination notice that is unenforceable in court, that tenant may not know their rights; the notice could cause undue stress, hardship or cause the tenant to move despite the moratorium.
- **Prohibit late fees** through the course of the emergency until people can resume their jobs.
- **Prohibit landlords from reporting (or threatening to report) non-payment of rent** to credit agencies as leverage over tenants when landlords can't otherwise evict for non-payment.

Rent Stabilization

- **The Legislature should clarify that a pandemic qualifies as a “disaster” to allow for local rent control policies,** since Oregon law prohibits a city or county from enacting a rent control ordinance, except in emergency: “when a natural or man-made disaster that materially eliminates a significant portion of the rental housing supply occurs...” (ORS 91.225(5)).
- **Freeze all rents.**

Foreclosure Moratorium

This week, HUD announced that all single-family homeowners with FHA-backed mortgages are shielded from foreclosure until mid-May.

- **The Legislature should supplement this order with a statewide moratorium on all foreclosures** in Oregon, benefitting occupants and small landlords. The moratorium should prohibit the issuance of any foreclosure filing, judgment, and any form of execution to oust the resident following a foreclosure judgment, including but not limited to forcible entry detainer “FED” action, writ of execution, writ of assistance or ejectment action.

Rent Assistance

Given the high cost burden of rents in Oregon preceding COVID-19, Oregonians will still be challenged to pay past rental payments after the crisis. Deferring evictions through a moratorium will only delay the eviction crisis and deprive landlords (many of whom need it to pay mortgages) from their loss of income.

The Legislature should:

- **Set a time period over which rent must be repaid**, for example – six months following the end of the emergency.
- **Provide rent and mortgage assistance.**
- **Allocate \$60 million of emergency rent assistance immediately** to Community Action Agencies, with a request for updated information about the scope of the need, and the timing required for additional rent assistance funds. (This doubles our CSL and Doc Fee biennial amount, but only covers 25% of projected needs, as described below.)

Note: Rent assistance need is \$240 million/month, based on prior usage of rent assistance and the number of rent burdened households in Oregon. These households are disproportionately the low-income workers, people living paycheck to paycheck, facing a significant income loss due to Covid-19. The financial assistance can be limited to people with income loss documented by:

- Letters from employers citing Coronavirus as reason for reduced work hours
 - Letters from clients or customers cancelling purchase orders, requests of services and contracts due to Coronavirus
 - Those needed to stay home to provide childcare due to school closures
 - Letters from a health care provider documenting need to stay at home to care for ill family members or for people in high risk category
 - Individuals in industries ordered to shut down
 - Pay stubs - or timecards if paystubs are not available
- **Lift state rules related to contracting** to expedite these funds.
 - **Expand the administrative capacity** of Community Action Agencies that provide the increased rental assistance, and direct agencies to reduce administrative burdens and documentation to streamline assistance.
 - **Allocate funds to regulated affordable housing providers**, the vast majority of whom constructed housing using federal tax credits, which do not allow providers to decrease or waive rent payments. These providers need support to waive unpaid rent accrued as a result of the economic impacts of the pandemic, maintain stability, and continue essential operations. Because of the regulatory structure through Oregon Housing and Community Services, the Legislature should provide direct assistance to affordable housing providers whose tenants can document economic losses. Housing providers could collect documentation from tenants and be reimbursed for lost rent through Oregon Housing and Community Services in order to minimize the number of people seeking assistance through our emergency rent assistance system. (This is less needed if their tenants receive rent assistance through EHA/Community Action Agencies.)

Homelessness Services

- **Increase shelter capacity through measures included in HB 4001 (2020)**: immediate resources for homeless service providers to reconfigure, expand, and open new shelters (including city and county empty buildings that can be reconfigured); to offer navigation and

hygiene services; and to waive zoning restrictions (other than for health and safety) to site shelters.

- **Increase the funding beyond the \$45 million allocated in HB 4001 to \$70 million** due to the new need for shelters to keep people six feet apart. Consider allocating it through EHA which has a broad use of allowable expenses.
- **Increase funding for HB 4039 (2020) from \$2.5 million to \$5 million for Unaccompanied Homeless Youth**, who are at large risk of unknowingly carrying and transmitting COVID-19. The existing shelters and home stay programs can ramp up immediately to get some youth off the streets and into a place they can “Stay at Home” and increase outreach and hygiene education and services to others on the street.
- **Keep emergency winter shelters open beyond March**, when winter shelters normally close.
- **Increased resources for shelter staff and supplies.** Shelters rely on a network of volunteers, many of whom are over 60. The current guidance means that shelters are without volunteers, and shelters should be able to hire new staff and increase salaries for current shelter staff. Shelters need resources to fund hygiene resources such as hand washing stations, hand sanitizer, soap, and other supplies to limit the spread of the virus in shelters.
- **Increase access to motels and hotels to provide shelter**, particularly for people at high risk of severe illness or who are experiencing illness. Motels provide a safe place for people to be isolated who may be experiencing COVID-19 and other communicable illnesses.
- **Limit on sweeps:** For people experiencing homelessness, camp sweeps are dangerous and disruptive. Now, they may unintentionally move someone experiencing coronavirus to another part of town or another camp. ODOT and Cities should increase sanitation, provide additional handwashing stations, and severely limit or prohibit sweeping camps immediately.

I urge that we pass all of these recommendations before April 1 to stabilize the housing of hundreds of thousands of Oregonians.

Sincerely,



Alissa Keny-Guyer