



TO: Senate President Peter Courtney; House Speaker Tina Kotek;
Senate Republican Leader Fred Girod; House Republican
Leader Christine Drazan; & Members of the Joint Interim
Committee on the First Special Session of 2020
FROM: Matt Serres on behalf of Disability Rights Oregon
DATE: June 22, 2020
RE: Proposed Changes to Legislative Concept 45, Sections 1-6

Chair and Members of the Committee:

Disability Rights Oregon supports the prohibition on residential eviction under specified conditions during the pandemic emergency period. I write to propose additional language that should be added to Sections 1-6 of Legislative Concept 45 (the “Eviction Moratorium”) in order to provide residential tenants a six-month grace period in which to pay all unpaid rent, utility charges, or any other service charges or fees owed to the landlord that accrued during the emergency period.

About Disability Rights Oregon

Disability Rights Oregon is a statewide nonprofit that upholds the civil rights of 950,000 people with disabilities in Oregon to live, work, and engage in the community. Disability Rights Oregon serves as a watchdog over state agencies and institutions as we work to transform systems, policies, and practices to give more people the opportunity to reach their full potential. For more than 40 years, the organization has served as Oregon’s federally authorized and mandated Protection & Advocacy System. Disability Rights Oregon is committed to ensuring the civil rights of all people are protected and enforced, including in housing and independent living.

A Repayment Grace Period Promotes Housing Stability and Equal Access to Housing

We have encountered a number of attempts by landlords to pursue eviction during the emergency period in ways contrary to the Governor’s Executive Order 20-13.¹ In order to promote housing stability and to avoid a preventable increase in homelessness due to the ongoing impacts of COVID-19, the eviction moratorium is vital. Equally important, however, is providing tenants a fair opportunity and sufficient time to repay unpaid rent, charges, and fees accrued by tenants and due to landlords at the end of the emergency period.

Under the currently proposed legislative concept, there is no clear protection for tenants when the eviction moratorium ends and debt for nonpayment of rent or other charges and

¹ Executive Order 20-13 states that landlords shall not evict tenants for reason of nonpayment, including “any termination without cause under ORS 90.427.”

fees suddenly becomes due. Many landlords are likely to commence legal proceedings immediately in order to collect on debts accrued during the emergency period and evict indebted tenants. A six-month grace period for the payment of rental debts accrued during the emergency period will avoid a sudden surge of debt collection and eviction proceedings that otherwise inevitably will ensue. Avoiding that sudden surge in debt collection and eviction proceedings is vital to maintaining the housing stability of all Oregonians and avoiding a preventable increase in homelessness. For tenants with disabilities who are on fixed incomes or who have experienced job losses at a rate disproportionate to the general population, allowing sufficient time to repay rental debts accrued during the emergency period is necessary to preserving their equal access to housing. It is vital that the legislature take up this issue during this legislative session, before the emergency period ends and debts to landlords become due.

Disability Rights Oregon's Requests

During the upcoming legislative session, Disability Rights Oregon requests the Legislature to introduce and enact Legislative Concept 45, Sections 1-6, with all of the provisions noted below:

- Prohibition on residential evictions for nonpayment of rent or under ORS 90.427(3)(b) or (8) during the emergency period.
- Any residential tenant shall have a six-month repayment grace period to pay all unpaid rent, utility charges, or any other service charges or fees owed to the landlord that accrued during the emergency period. No late charges or other penalties arising from nonpayment may be imposed or collected for payments under this provision. The six-month grace period will begin on the first calendar day after the emergency period is no longer in effect.
- During the six-month grace period, landlords of residential properties shall not, for reason of nonpayment of unpaid rent, utility charges, or any other service charges or fees owed to the landlord that accrued during the emergency period, terminate any tenant's rental agreement; take any action, judicial or otherwise, relating to residential evictions pursuant to or arising under ORS 105.105 through 105.168, including, without limitation filing, serving, delivering or acting on any notice, order or writ of termination or the equivalent, or otherwise interfere in any way with such tenant's right to possession of the tenant's dwelling unit.

Disability Rights Oregon calls upon the legislature to safeguard the housing stability of all Oregonians during this pandemic.