



Sybil Hebb
503.936.8959
shebb@oregonlawcenter.org

522 SW Fifth Avenue, Suite 812
Portland, OR 97204

**Informational Hearing before the Interim House and Senate Housing Committees
October 4th, 2021**

Re: Post-Moratorium Rent Assistance and Eviction Landscape

Chair Jama, Chair Fahey, Vice-Chairs Campos, Morgan, and Linthicum, and members of the committee, thank you for the opportunity to speak with you this afternoon regarding the current landscape of nonpayment evictions and rent assistance since the expiration of Oregon's eviction moratorium at the end of June, 2021.

The nonpayment eviction moratoria put in place by the Governor thru executive order at the beginning of the pandemic, and continued by this legislature, saved lives and protected housing stability as the economy shut down and the pandemic raged across the state. OLC is deeply grateful that Oregonians were largely protected from displacement during this time. The moratorium expired on June 30th of this year, and since then, rent has been due on time at the beginning of every month.

During the 2021 regular session, this Legislature took action to pass Senate Bills 282 and 278. These bills were designed to provide a bridge for struggling tenants after the expiration of the moratorium. Senate Bill 282 provided a grace period for repayment of back-due rent that had accrued during the moratorium, until February 28, 2022. And Senate Bill 278 provided a 60-day safe harbor from eviction for non-payment of current rent, for those tenants who could show documentation that they had applied for rent assistance, and their applications were pending.

At the time of passage of these bills, there was great optimism that the state might be emerging from the COVID pandemic, and a feeling of security offered by the incoming federal emergency rent assistance dollars designed to assist tenants who were still struggling. However, the challenges brought by the sheer immensity of need, and the complexities of administration of the new assistance programs, have meant that thousands of tenants remain unprotected from the risk of eviction, despite having applied for the new rent assistance benefits in a timely manner.

This newfound uncertainty is hitting at exactly the wrong time:

- The surge of the Delta variant has meant that pandemic levels remain high, and forecasts predict that hospitalizations will remain elevated through the end of the year;
- The most recent (September 1-13) national PULSE household survey indicates that more than 58,000 Oregon renter households are “not at all confident” they can make next month's rent payment, and more than 12,000 households feel at risk of displacement through eviction in the coming two months;
- Oregonians' financial worries are growing statewide despite falling unemployment rates.

It is clear to us at OLC that our community and state agency partners are working around the clock, at or beyond the breaking point, **but it is not enough. Even though good people are working hard, we are failing to meet the need, and tens of thousands of households are at potential risk of eviction due to timing out of safe harbor protections. We must take urgent action to provide housing stability for tenants who have done all that we have asked of them and who are awaiting a payment from the state.**

In assessing the progress of our current system, it's important to consider three major challenges:

- **Outreach and education:** Do tenants know that rent assistance is available, do they know how to access that assistance, and do they know about the SB 282 grace period and SB 278 safe harbor provisions? OLC, along with community partners, continues to help spread the word about protections, but we are finding that many communities simply do not know, or do not trust, that assistance is available and can be relied upon to prevent eviction. This is of extra concern regarding tenants for whom English is not their first language.
- **Rent assistance application challenges:** Can tenants in need get their applications completed and in the queue in a reasonable time? Current system challenges result in many people unable to complete applications – to date, there are more than 13,000 incomplete applications in the system. Challenges include:
 - **Reading level:** Several questions on the Allita application score at level 16 and above on the Kincaid reading level calculator. One question scored at grade level 21.
 - **Technology barriers:** The application is not optimized for cell phone access. Many tenants do not have access to laptop or desktop computers. Those most in need are least likely to have access or ability to navigate these applications.
 - **Translation:** While the application has been translated into many languages, there are technical errors in the translations at several stages – for example, one of the questions is written half in English and half in Spanish. Translation is also made more difficult by the complicated language and high reading levels of the questions.
 - **Flexibilities:** While there is great flexibility urged from the federal level in meeting application documentation requirements, these flexibilities are not being uniformly implemented at the local level, and are not available via the state's Allita application. The Allita application ought to allow self-attestation for the entire application, via electronic signature, without having to download and then upload a form. In addition, we ought to explore categorical eligibility as a means of simplifying and streamlining the process.
 - **Technical Assistance:** The only avenue we are aware of for tenants seeking technical assistance with the Allita application is via the on-line chatbot, which is only running M-F 8:30-4:30. Many tenants in need may not have the ability to access the chatbot during these hours. While non-profit community partners do their best to help with these challenges, in some communities there are backlogs of more than 10 days to get a call-back.
- **Payment/processing challenges:** Can payments be made to landlords within the safe harbor protection period after completion of an application? The numbers reflected in the OHCS presentation make it clear that we are not meeting this goal. The complexities of the process and the sheer volume of need have surpassed all expectations. The agency

calculates that it will need 10-13 weeks from now to process the backlog of pending completed applications.

- Based on the newest data, less than 30% of complete OERAP applications have been paid. More than 27,000 applications are currently pending, more than 11,900 of which are already past their safe harbor deadlines. While we do not know that each of these past-deadline applications represents a tenant household has faced a nonpayment eviction notice, the fact is that any of these households seeking assistance for rent due since July 1 is at risk, and our safety net is not providing protection.
- On top of the backlog of completed applications, there are new applications coming in every day.
- In addition, there are approximately 13,000 *incomplete* applications in the system, representing Oregonians who are still struggling to get their applications finalized.
- With the expiration of unemployment benefits and recent Pulse Census data indicating that more than 58,000 Oregon renter households are “not at all confident” they can pay their next month’s rent, these caseloads are expected to grow.

Solutions looking forward:

There are many good plans for improvements and increased staffing that over time will increase the efficiency of the distribution of rent assistance. We are grateful for these efforts, and for the work of agency and community partner staff going to great lengths to make improvements. But it is worth repeating that none of these changes will provide immediate relief for the more than 11,900 completed applicants whose safe harbors have already expired, and none of those changes will provide immediate relief for the more than 27,000 applicants still pending payment.

A moratorium on nonpayment evictions until the backlog of applications can be cleared would be most protective of tenant households who have sought assistance. A moratorium would protect housing stability during the pendency of an application, ensuring that tenants have a roof over their heads while landlords get paid. This solution would provide the simplest, most reliable protection. Failing a moratorium, an extended safe harbor period, or some other solution that would allow sufficient time to process the backlog backlog, must be enacted.

The only way to protect the thousands of Oregonians currently in the backlog is to ensure that the agency and our local partners have the time they need to ensure that every application is processed and paid in time to prevent displacement. **If we fail to act, all of our work to protect housing stability through the pandemic will have been for naught.**

My colleague Becky Straus, managing director of legal aid’s Eviction Defense Project, will speak to the efforts our lawyers are making (thanks to generous support from state and local governments as well as foundations) to scale up to provide more assistance. Ms. Straus will share data regarding the surge in nonpayment eviction filings since the end of the moratorium. When considering this information, it is critical to keep in mind three facts:

- At a time when we have the resources to provide payment, any nonpayment eviction is a failure of our support systems;
- The defense to nonpayment eviction is payment. If payments cannot be processed in time, evictions can legally proceed;

- Eviction filings are but the tip of the iceberg of the displacement and housing instability crisis. We know that tenants are suffering from panic and instability, and many families self-evict after receiving nonpayment notices because they have no hope of receiving assistance in time.

In closing, it is paramount that we hold the value that no tenant should lose their home because of nonpayment while we have significant and available state and federal resources designed to prevent that displacement. Evictions have long-lasting consequences, further exacerbate the impacts of systemic disparities suffered largely by people of color and low-income communities and are entirely preventable. We have the resources available, and we have a responsibility to get this right, immediately.

Thank you for your time and for your dedication to Oregonians.