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**Hearing before the Joint Interim Committee  
on the Second Special Session of 2021**

**December 11<sup>th</sup>, 2021**

*Re: Support for LC 9*

Co-Chair Beyer, Co-Chair Fahey, Co-Vice Chair Knopp, Co-Vice Chair Wallan, and Members of the Committee:

On behalf of the Oregon Law Center, thank you for the opportunity to speak with you this afternoon in support of LC 9, which is vitally important to ensure protection from nonpayment eviction for tenants who have applied for rent assistance while their applications are being processed and landlords are being paid. In addition, OLC strongly supports additional investments to ensure continued access to rent assistance and housing stability resources through the coming months.

**Background:**

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. Until February 28<sup>th</sup>, 2022, Senate Bill 282 provides a grace period for repayment of back-due rent that had accrued during the moratorium. And Senate Bill 278 provides a 60-day safe harbor from eviction for nonpayment of current rent, for those tenants who can show documentation that they have applied for rent assistance, and their applications are pending.

Senate Bill 278 was designed to be a bridge for tenants after the expiration of the moratorium, and was passed with overwhelming bipartisan support for the concept that no family should lose their home to eviction while waiting for available rent assistance to arrive. At the time of passage, it was thought that applications could be processed and payments made during the 60-day safe harbor period. 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 assistance in a timely manner.

**Current Landscape:**

Since we last spoke with the interim Senate Housing committee in November, while our community and state agency partners are working around the clock, and have made improvements, as of December 8<sup>th</sup>, OHCS data indicated that there are still more than [8,000](#) Oregon households whose applications have been pending for longer than their eviction safe harbor periods. That means they can be evicted for nonpayment even as their rent assistance applications go through the system. There are [tens of thousands](#) more households also in the queue, getting close to their expiration dates every day. We have the resources to pay these applications that were submitted before December 1, 2021. But unless we take swift and protective action, close to 30,000 households are at risk of eviction during the winter months.

It is unacceptable that low-income Oregonians are facing preventable, unnecessary, and tragic evictions when we have the funds to pay for their pending applications. We must act to protect tenant stability while applications are pending and landlords get paid.

In addition, we need new resources in order to ensure continued access to assistance for struggling families in the coming months, so that new applications can be submitted for those in need.

- The most recent (September 29 – October 11) national PULSE [household survey](#) indicates that more than 67,000 Oregon renter households are “not at all confident” they can make nextmonth’s rent payment, and more than 18,000 households feel they are “very likely” to lose their housing through eviction in the coming two months.
- We know that Oregon’s Black, Indigenous, and communities of color have been [disproportionately impacted by the COVID pandemic](#), and have needed to seek rent assistance at [higher rates](#);
- The COVID pandemic drastically exacerbated [income inequality](#) in our state – while many family incomes have thrived over the past two years, low and middle wage earners experienced significant losses from which they have not recovered;
- Oregonians’ [financial worries are growing](#) statewide despite extremely low unemployment rates;
- Oregon already has one of the [highest rates](#) of unsheltered homelessness in the nation and one of the [highest rates](#) of student homelessness.

**Tenants’ experience in eviction court has illustrated many of the ways in which our current systems are failing to meet the need.** Data below illustrates that nonpayment evictions are happening in increasing numbers and resulting in preventable, unnecessary, and tragic displacements of hundreds of Oregon households who ought to have been protected by rent assistance and the safe harbor. Those numbers are but the tip of the iceberg of displacement, and will rise significantly in the coming months as more safe harbor periods expire, if the Legislature does not act.

**When viewing eviction filing data, it is critical to note that these numbers represent just the tip of the iceberg of displacement faced by tenants.** Nonpayment eviction court cases have increased sixfold since July, but these cases are just the tip of the iceberg. Many tenants self-evict after getting a nonpayment termination notice and after realizing they have no hope of paying what is owed without rent assistance. The reason they are just the tip of the iceberg is because many tenants flee their homes – out of fear, intimidation, or misinformation – before the eviction process gets to the courts.

<b>Oregon Nonpayment Eviction Filings</b>	<b>July</b>	<b>August</b>	<b>September</b>	<b>October</b>	<b>November</b>	
Number of cases filed	361	463	478	417	565	<b>Total: 2284</b>

There is not a public way of seeing data on pre-court displacements, but we know there is widespread displacement happening across communities as tenants lose hope they will ever receive protections. A 2021 University of Washington School of Public Policy [study](#) found that 5 times the # of tenants were displaced informally (thru threats, fear, eviction notices, etc) than are displaced through the eviction filing process. This multiplier has increased significantly from [pre-pandemic data](#), due in large part to the extreme housing affordability crisis and the disproportionate impact of the COVID pandemic and financial crisis on people who rent their homes.

For all of these reasons, OLC and more than 60 local and statewide advocacy, health care, faith-based organizations as well as housing providers, local governments and labor unions [calledfor](#) a special session to ensure that no family is evicted while help is on the way. These same organizations have submitted a joint letter in support of LC 9.

**In closing, it must be stressed:** We are currently failing to meet the needs of thousands of low-income households who have applied for help that we have available, but that we cannot provide within the safe harbor from eviction.

Evictions have long-lasting consequences, and further exacerbate the impacts of systemic disparities suffered largely by people of color and low-income communities. We must take urgent action to ensure that there is continued access to rent assistance in the coming months, and to ensure that no tenant who has applied for assistance is displaced because of nonpayment while help is on the way, ever.

Oregon has taken strong steps to protect housing stability throughout the pandemic, working on creative solutions during one of the most difficult times our state has ever faced. If we do not take bold action now, all of our work will have been for naught.

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