

Co-Chairs Beyer and Fahey and Members of the Committee:

I write to you on behalf of Human Solutions, a nonprofit organization that has worked for over 30 years to support the diverse residents and communities of East Portland, Gresham and East Multnomah County to achieve the housing and economic justice they deserve. I write to express our strong support for LC-9 and to suggest a potentially better path forward out of this crisis.

Human Solutions provides a continuum of supports, including shelter services, rental and utility assistance, housing placement, advocacy and retention, employment and career supports and affordable housing. As both a service provider and a rental housing owner we see and recognize the crisis and chaos our community continues to endure and the potential for catastrophe if renters do not receive additional protections as safe harbor protections expire and rental assistance funding runs out. As members of the Oregon Housing Alliance and Stable Homes for Oregon Families Coalition, we stand in strong support for the package of emergency protections and additional investments this committee is considering for this special session. No one should lose their housing during a pandemic or at any other time due to circumstances they did not create or because assistance takes too long to reach them. Oregon renters and communities need additional time and investment to prevent a catastrophic worsening of our Housing and Homeless crisis – a statewide emergency that pre-existed the pandemic and that continues to traumatize and harm our families, neighborhoods and communities. We urge passage of the package of protections, new investments and safe harbor extensions under your consideration.

While we support extending the incremental protections for Oregon Renters in LC-9, we urge the Legislature to consider a different approach to this crisis – one better scaled to meet the need that would more systemically and equitably protect vulnerable renters from eviction, reduce trauma and uncertainty, speed economic relief to landlords, protect Oregon’s investment in affordable housing and reduce collateral costs by creating a more efficient system. As a service provider on the front lines of this crisis and an owner/landlord working actively with residents of our rental housing to maintain their housing and pay their rent, Human Solutions believes that the piecemeal approach of trying to pay each month of rent for every impacted household one month and one family at a time risks failure, causes undue trauma and wastes precious time and money. From the beginning of the pandemic, housing advocates have suggested a more workable approach – one we believe it is past time to consider: Rent amnesty, coupled with economic relief for landlords and prospective rental assistance.

We believe a more certain way to prevent an eviction crisis would be to declare rent amnesty for all renters and all rent in arrears during a declared, date-bounded period of pandemic emergency to be determined by the Legislature. That would alleviate renters from having to undertake the sometimes arduous task of seeking rental assistance to cover multiple months of arrears and prospective months, typically through multiple portals that can be slow and confusing – leading to frustration and anxiety. With an amnesty approach, landlords would become eligible for economic relief to offset their losses from the amnesty declaration through a streamlined application.

Remaining and newly-appropriated rent relief funds could be pooled to effectively create two funds – one for landlord economic relief for the pandemic emergency period and the other for prospective rental assistance for renters whose needs extend beyond the pandemic emergency period. Landlords are typically in a stronger position to seek relief than renters, having better access to technology and to the documentation of their economic losses and eligibility for relief. This should improve the speed and efficiency of relief application processing (as landlords need only submit one application per property) and create greater clarity and certainty for both landlords and tenants. Furthermore, Amnesty would mean that funding for all the supports we have been implementing to ensure all impacted tenants are reached, supported in their application for assistance and protected from eviction could be redirected to the rent assistance and economic relief pools.

We believe a rent amnesty approach can be constructed to pass Constitutional muster and to survive a takings challenge by creating a new affirmative defense to nonpayment actions based on rent due during the declared months of the pandemic emergency. While landlords could still seek monetary judgments for unpaid months, they could not seek possession through an FED as a form of relief. Landlord acceptance of economic relief funds could be conditioned on a waiver of rent claims for the covered period, greatly reducing the likelihood of actions for monetary judgement for the covered period.

While we urge adoption of the LC-9 package, we hope for more systemic and comprehensive protections for renters to prevent a crisis – if not now then in the February Session. Justice demands more than an approach that - to date - has not met the need of our moment. Thank you.

Respectfully Submitted,

Andy Miller

Executive Director

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