

Eviction Prevention: Lessons Learned from 2021 and 2022

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Senate Interim Committee on
Housing

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Some Perspective: Current National Context

- There has [been no significant increase in ongoing federal funding](#) for housing affordable to lowest income people in more than 30 years.
- Currently, about 76% of renters qualifying and in need of federal rental assistance [don't receive it](#).
- Nationally, there are [only 37 affordable and available homes for every 100](#) extremely low-income renters.
- The share of small (one-to-four unit) rental properties owned by corporate entities has [grown steadily](#) over the past several decades, rising from around 3 percent in 1990 to approximately 18 percent in 2018. This trend has continued in recent years.
- National [rent rates have increased dramatically](#) over the last 20 years, with rents increasing at faster rates than prices for homeowners. The increase was especially steep over the last 2 years.
- Across the country, [evictions](#) and [homelessness](#) are on the rise, and the vast majority of evictions are due to unaffordability.
- 580,000+ people are [experiencing homelessness](#) on any given night across the nation.

Oregon Landscape - Nearly 40% of households are renters

- Housing is unaffordable:
 - \$27/HR + is the average wage needed to afford a two-bedroom (\$33/hour in the Portland-metro area)
 - The average Oregon renter earns only \$20/hour
- We don't have enough housing:
 - Oregon is short approximately 111,000 housing units, and we have one of the lowest vacancy rates in the nation.
- Oregon court data show that evictions are on the rise and are largely due to unaffordability
 - There were almost 2,000 court eviction filings in August of 2022, substantially topping pre-pandemic average filing levels.
 - The vast majority of evictions are for nonpayment of rent.
 - Eviction filing numbers are the tip of the iceberg in measuring displacement. Studies indicate that approximately 2-5x the number of people who face formal eviction filings are displaced through informal evictions.
- Evictions and rent increases cause homelessness.
 - 14,655 Oregonians were unhoused on any given day in 2020 (the most recent point in time count) and 23,765 Oregon K-12 students experienced homelessness over the course of the last year.

Oregon Landscape, Continued

Disparities are prevalent and systemic

- Black, Indigenous, and other people of color in Oregon are more likely to rent their homes and are disproportionately rent burdened.
 - The term “rent burdened” refers to when rent exceeds 30 percent of a T’s income, considered by HUD as the most anyone should safely pay for housing.
- Black women in Oregon face eviction filings [2x more often](#) than white renters.
- People of color are at [greater risk of homelessness.](#)
- People of color and particularly Native Americans are [overrepresented](#) in the number of homeless residents who died in Oregon this year.



The legislature has taken bold action to try to address these systemic dynamics.

But significant gaps remain.

Many protections are expiring, or have reduced impact due to inflation.



CAP On Rent Increases & Relocation Assistance:

- Senate Bill 608 (2019) provided essential foundational protections for renters from most displacements without cause, required relocation assistance to be paid in some instances, and limited rent increases to within 7% plus the CPI annually.
- These were groundbreaking protections.
- However, none of the rent stabilization protections apply to buildings 15 or fewer years old. Residents in these buildings are unprotected from extreme rent spikes.
- And, because the protections are linked to inflation, the new rent increase cap for covered units in 2023 is 14.6%.
- Extreme rent increases are the equivalent of eviction and have a direct connection to displacement and homelessness.

Successful COVID Protections that are Expiring or Have Expired

- **Safe Harbor** from eviction for non-payment for Tenants who have applied for rent assistance and shown Landlord documentation of their application (partial expiration 6/30/22, expires in full 10/1/22)
- **10-day nonpayment termination notice period** will be reduced to 72-hour notice 10/1/22. 72 hours is not enough time for tenants to seek help in understanding or addressing their rights or obligations to avoid a court filing. 10 days allows tenants time to seek information and assistance and get the rent payment to the landlord and can help avoid the need for an eviction filing.
- **Right of redemption** (aka "pay to stay") allows households to avoid eviction for nonpayment if they make full payment before judgment. This right expires on 10/1/22, meaning that Tenants must pay in full before the expiration of their 72 hour notice in order to avoid displacement.

Successful COVID Protections that are Expiring or Have Expired

- **Language access** – The requirement that eviction notice and court forms provide tenants with access to information in the 6 most common languages expires 10/1/22. After this, tenants who do not speak English will be on their own in seeking translation of important legal information that can impact their housing stability.
- **Information about where to seek legal assistance** – The requirement that the court Summons include information about where to find legal assistance expires 7/1/23. After this point, tenants will be on their own in finding legal help.
- **Guest occupancy** – The protection for tenants who had to double up due to the pandemic, wildfires, or housing cost crises expired 3/1/22/. Doubling up is one important way to help share expenses and manage rent burden.
- **Timing of eviction proceedings** – During the pandemic, Chief Justice Orders modified eviction proceeding timelines. The modified timelines made it possible for tenants to find help, explore settlements, and avoid displacement. Now, eviction cases are fast-tracked. In some courts, trials are now being scheduled as fast as w/in 2 days of the first appearance. Under current law, tenants are predictably unlikely to be able to appear to defend themselves, resulting in significant rates of default judgments and summary displacement without defense.

Investments in Rent Assistance for Landlords and Tenants

- In addition to federal investments, Oregon allocated hundreds of millions of dollars to state and local partners to provide rent assistance for tenants by making payments to landlords.
- These investments were unprecedented, supported landlords and tenants, and helped to save lives and homes during the pandemic and the economic crisis.
- Now, these dollars have largely expired.
- While our unemployment rates are at [record lows](#), recovery for those at the lower and middle income levels has been [slow](#), and rents and home values have [spiked](#).



Eviction data illustrates that the legislature's interventions worked.

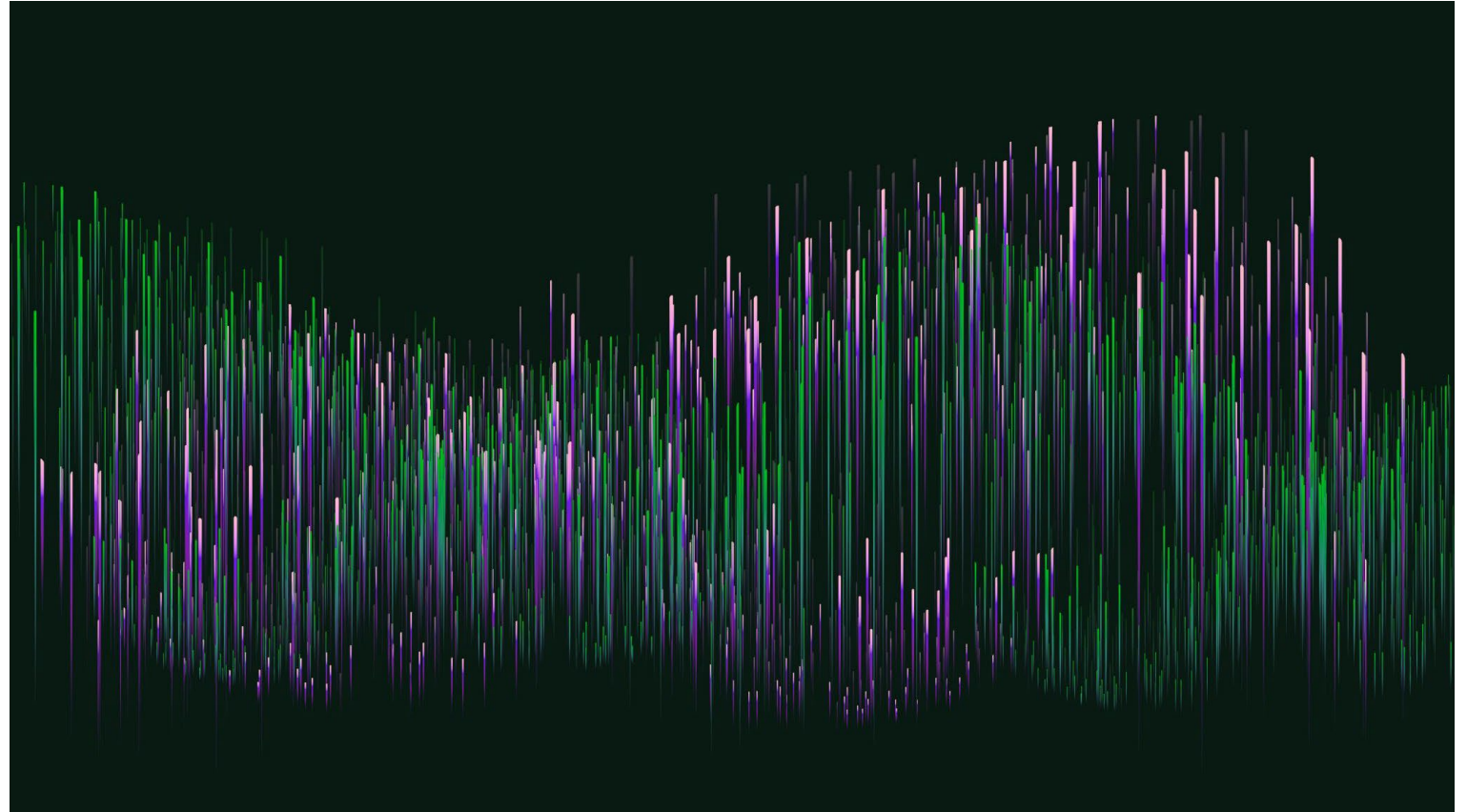
But inflation and expiration of these interventions is problematic, and the data show increasingly negative outcomes.

Oregon Eviction Filings Data

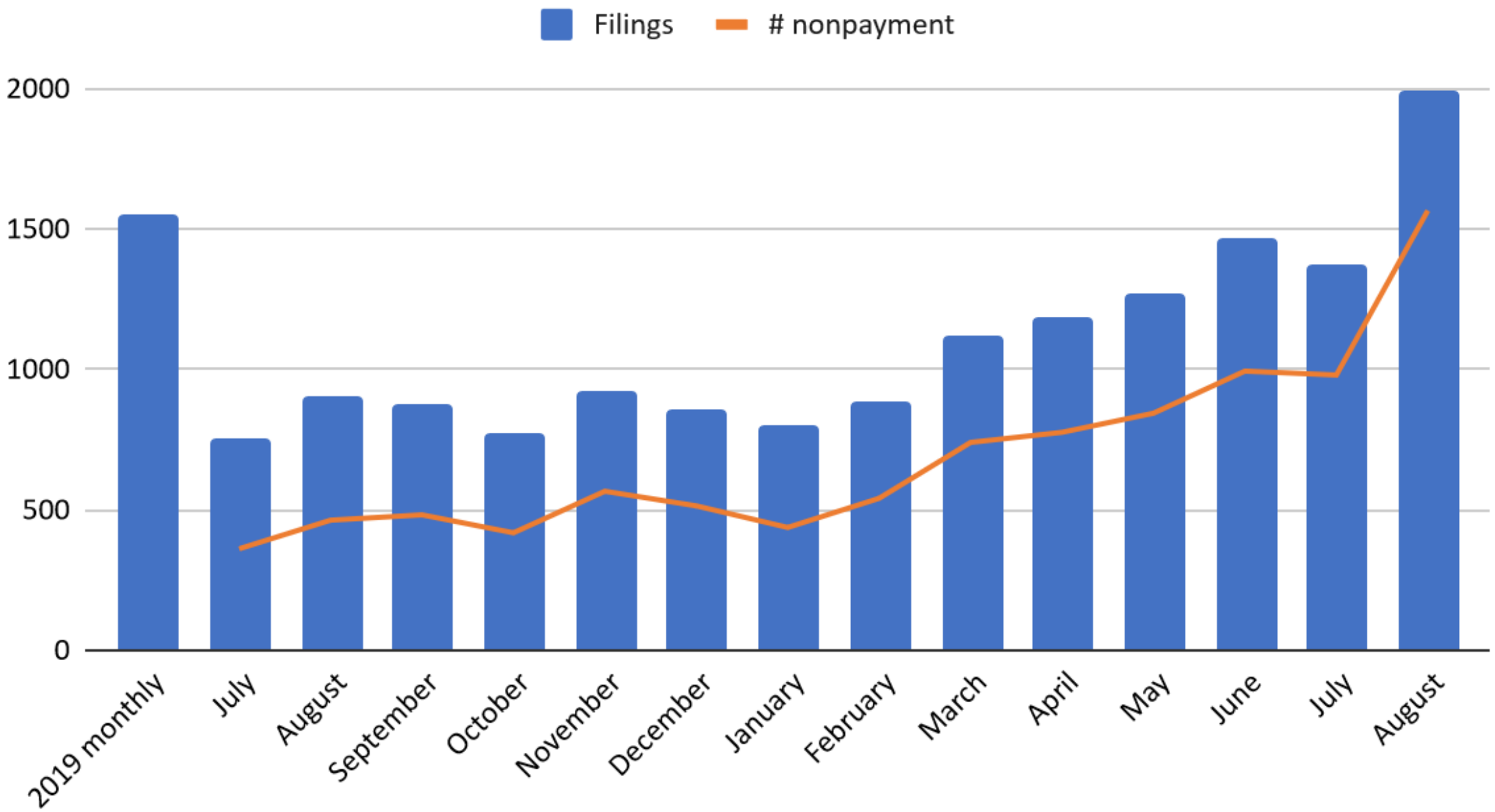
Compiled and Analyzed by Eviction
Defense Project Attorneys

Oregon Law Center (OLC) and Legal
Aid Services of Oregon (LASO)

7/2021 – 8/2022



Court-filed eviction cases by month (7/2021-8/2022)



Source: Oregon Law Center analysis of Oregon Judicial Department publicly available eviction court data

Court-Filed Eviction Cases, By Month

Data from Oregon Judicial Department Filing Numbers

Source: Oregon Law Center analysis of Oregon Judicial Department publicly available eviction court data

Statewide Eviction Filing Data

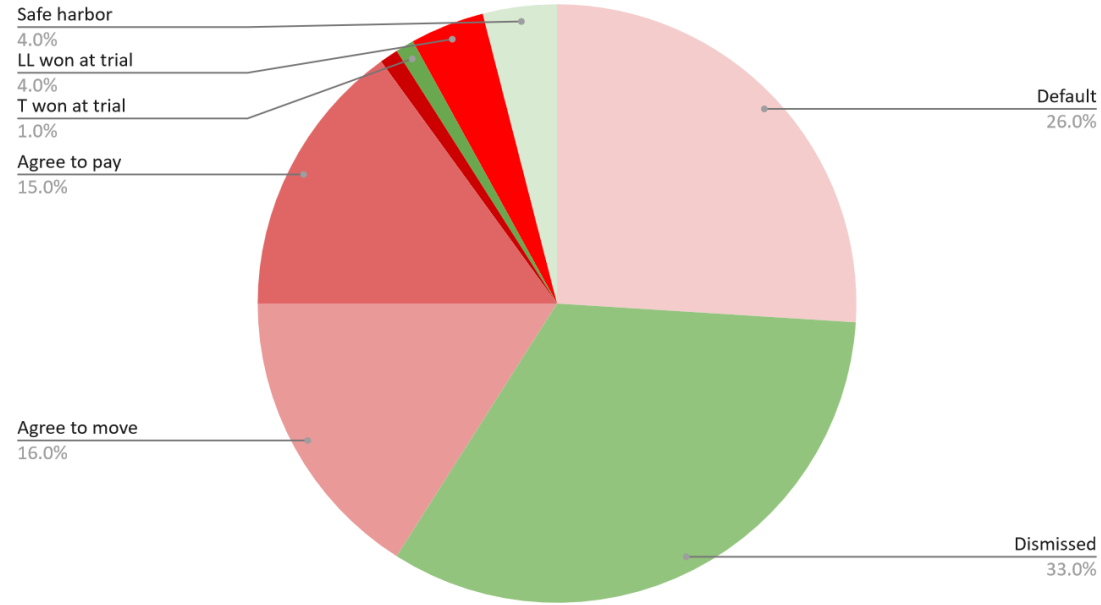
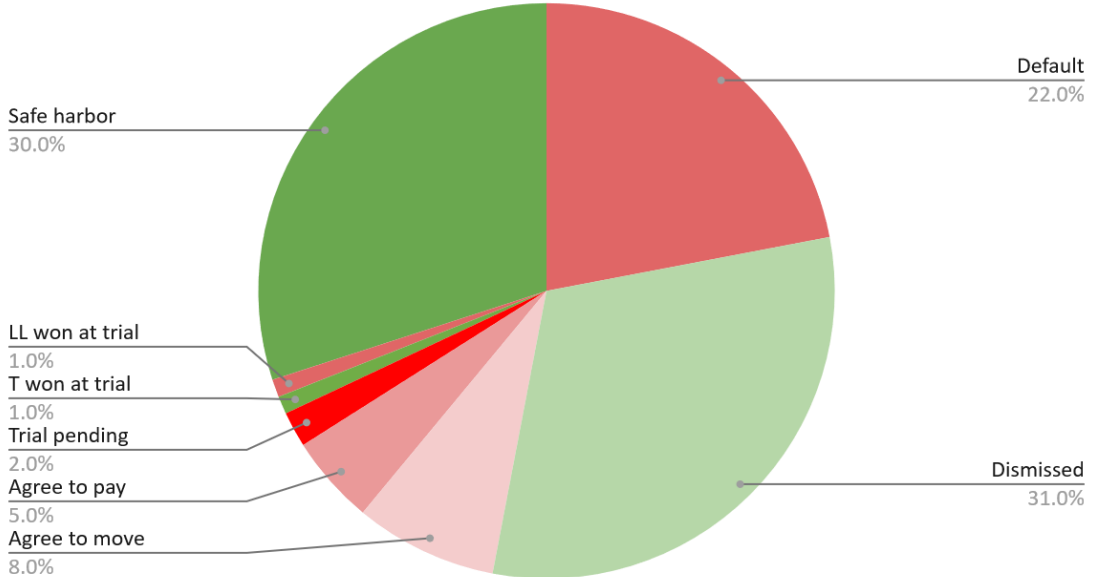
	2019 total	2019 avg per month	2021 avg per month (Jan-June)	July 21	Aug 21	Sept 21	Oct 21	Nov 21	Dec 21	Jan 2022	Feb 22	Mar 22	Apr 22	May 22	June 22	July 22	Aug 22
# Filings	18,672	1,556	377	752	909	881	770	920	857	806	889	1122	1188	1266	1470	1370	1992

- August 2021 showed a 119% increase from August of 2020.
- 79% of evictions in August 2022 were for non-payment.

Eviction filing numbers are the tip of the iceberg in measuring displacement. [Studies](#) indicate that approximately 2-5x the number of people who face formal eviction filings are displaced through informal evictions.

Nonpayment Cases Outcomes: April (as of 6/3) v. July 2022 (as of 9/12)

APRIL

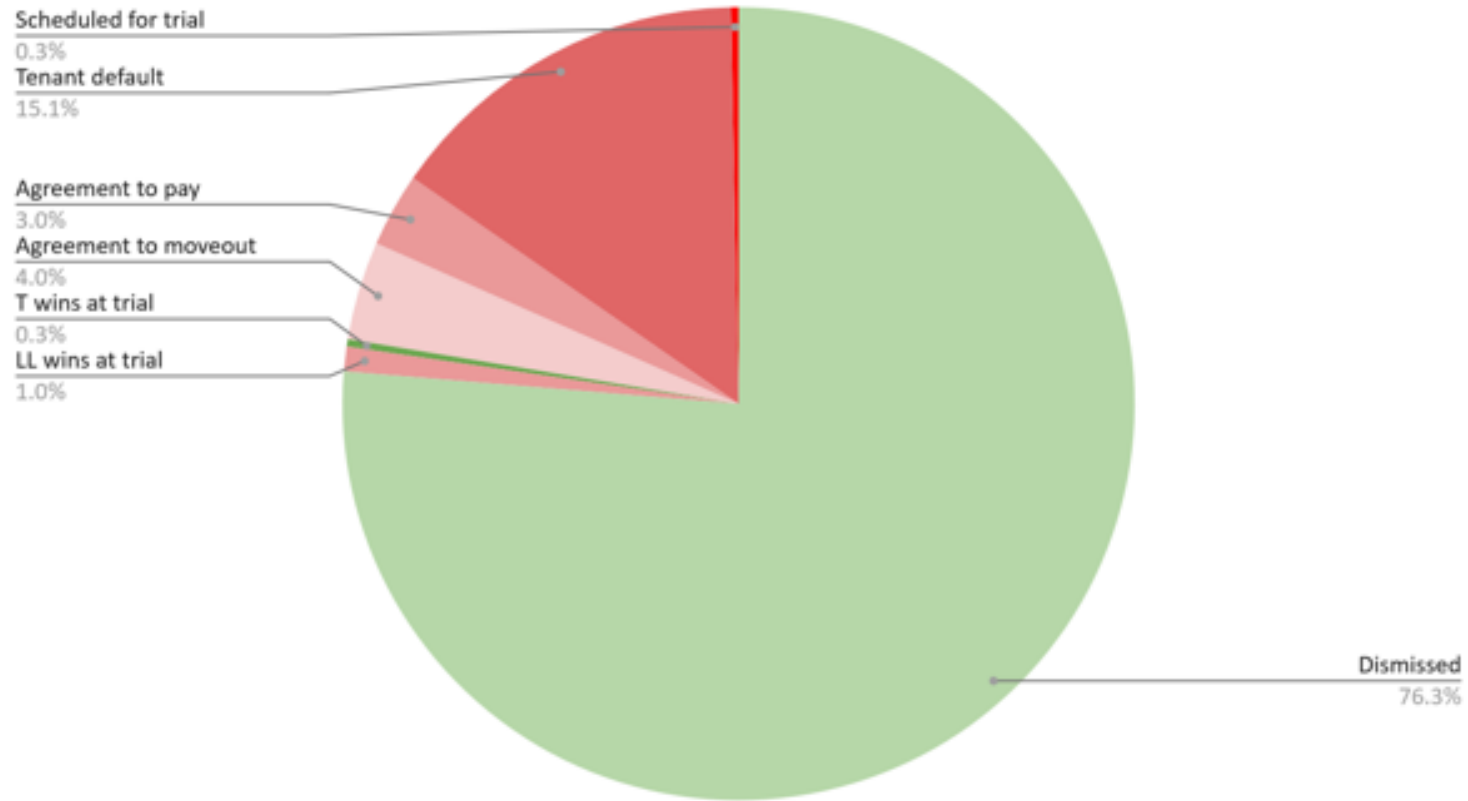


Source: Oregon Law Center analysis of Oregon Judicial Department publicly available eviction court data

Negative/Preventable Outcomes:
33% for April filings
47% for July filings

2022 NONPAYMENT BREAKOUT	APRIL (AS OF 6/3)	JULY (AS OF 9/12)
Tenant Default	22%	26%
Agreement to move	8%	16%
Set for trial	2%	1%
LL wins at trial	1%	4%

What happens after setover?



- As of 9/16/22:
- Total Setovers in Court: 2,142
- Setovers still pending: 62%

Evictions and high rents cause homelessness.

Our communities and neighbors need help.

Housing stability is core to survival for Oregon's kids, families, and economy.

Evictions, displacements, and homelessness are systemic. We must make the right policy choices and take the lessons learned during the pandemic to modernize and humanize housing policy.

We can decide to have systems that protect housing stability and keep people in their homes to positively impact generations to come.