

Oregon State Legislature  
Joint Ways and Means Committee  
April 16, 2021

Dear Co-Chairs Johnson, Steiner-Hayward, Rayfield, and Members of the Committee,

Housing instability is an endemic and growing problem across the nation and Oregon. The pandemic and fires of 2020 have exacerbated this pre-existing problem. Many Oregonians will be at risk of eviction when the current moratorium expires on June 30, 2021.

**Pre-eviction mediation** offers an alternative to the litigated eviction process, and should be part of Oregon's multi-layered strategy for housing stability. Resources and support services are needed to further long-term housing stability, and mechanisms to facilitate landlords and tenants working together on possible solutions to stabilize housing before an eviction case is filed in court.

**It is advantageous to both landlord and tenant, to avoid eviction.** It takes time and money to re-rent or contend with vacant rentals, court eviction takes time and sometime the cost of legal representation, relocating is costly for tenants in both time and money. Pre-eviction mediation will save time and money.

**Pre-eviction mediation should be a requisite to eviction.** Court eviction, while sometimes necessary, can spiral into homelessness. Court eviction limits what can be discussed as solutions and can result in a record for the evicted person. There is greater flexibility in mediated processes that allows for problem solving and agreement formation.

**As in all crisis, intervention at the earliest possible time leads to the greatest likelihood of success.** A pre-eviction mediation may involve myriad forms of agreement; payment plans, work exchange, behavior modification, and the like. An agreement might be formed for a "graceful exit", understanding that the best solution is a separation with agreed upon terms.

**Pre-eviction mediation must be woven in** to our collective understanding about how rental disputes are managed. It is part of a larger housing stability strategy that includes all key partners in social services, legal services, and county supports. The specifics governing pre-eviction mediation should be integrated into Oregon Statute.

**A successful Pre-eviction mediation program must be sustainable.** American Rescue Plan Funding can help with the creation and launching of this program. For sustainability over the long term, funding must be integrated into the rental process itself, as part of a rental application fee, rental insurance, or another front-end condition of renting. Just as divorce mediation cost is embedded within marriage license fees, pre-eviction mediation cost should be embedded within property renting.

Sincerely,

Deltra Ferguson, PhD  
Executive Director, Resolve Center for Dispute Resolution and Restorative Justice  
1237 N. Riverside Avenue, Suite 25, Medford OR 97501