

Protect Rent Assistance Applicants From Eviction and Ensure Distribution of Federal Dollars

6/14/2021

Summary of Dash 2 Amendments to SB 278

- **If a Tenant has applied for rent assistance and provides documentation of the application to the Landlord, tenant may not be evicted for 60 days after the documentation is provided.**
 - Documentation can be written or electronic, and may be provided in any reasonable manner including sending a photo of an application receipt by email or text message.
 - Tenant is protected from a nonpayment termination notice and from eviction proceeding during this time.
 - Documentation may be provided at any time prior to or at first appearance in an eviction case.
- **After 60 days following the date that the tenant provided documentation to the Landlord, the Landlord may proceed if not paid first. No second delay allowed.**
- **A court must dismiss a non-payment eviction proceeding if the court determines:**
 - The Tenant has timely provided the Landlord with documentation of application for rent assistance;
 - The Landlord failed to give the Tenant the required notice;
 - The Landlord refused rent assistance;
 - The Landlord has received the rent owed.
- **Documentation may be provided at any point in eviction case prior to or at first appearance.**
 - If documentation is provided after the start of an eviction case, and the Landlord provided the requisite notice and did not receive documentation prior to the filing of the case, the Tenant must pay the Landlord's filing fee and neither party may recover attorney fees or prevailing party fees.
- **Violation of these provisions by a landlord is a defense to eviction and there is a penalty of one month's rent plus any actual damages.**
- **Information about rent assistance and the protection from eviction must be provided with any notice of termination for non-payment and with any FED summons.**
 - The notice will be posted on the OJD website in several languages, and each notice shall include a statement in multiple languages indicating the website where the notices can be found.
- **OJD shall prepare a summary of the provisions of the law and post it on their website, as well as send the summary to courts for posting at the clerk's window.**
- **OHCS or any local government, or their subgrantee, administering rent assistance dollars shall promptly provide a dated receipt of application to each tenant who applies for assistance.**
- **Emergency clause; takes effect July 1, 2021**
- **Sunset date: 02/28/2022**