

**TESTIMONY ON SB 799
BEFORE THE SENATE COMMITTEE ON HOUSING AND DEVELOPMENT
JANUARY 30, 2023**

**PRESENTED BY: TIM LEWIS, SENIOR ASSISTANT GENERAL COUNSEL
OREGON JUDICIAL DEPARTMENT**

Chair Jama, Vice-Chair Anderson, and Members of the Committee:

My name is Tim Lewis, and I am a Senior Assistant General Counsel at the Oregon Judicial Department (OJD). At this time OJD does not have a position on SB 799, but I wanted to provide some information about how the bill could be modified to be more efficiently implemented in the state court system. I also have communicated these suggestions to the Oregon Law Center. They have been gracious in hearing these suggestions and, I believe, welcoming them.

OJD views SB 799 as a continuation of the circuit courts' work throughout the pandemic to assist landlords, tenants, agencies, and the public by connecting them with services, including rent assistance and mediation. We also were proactive in working with tenant and landlord groups to ensure that we were connecting them with services that would be beneficial and that our processes worked for all parties. OJD views this bill as a continuation of those services provided previously. Because of that, we can accomplish the bill's requirements to provide and translate court notices relatively quickly.

The biggest workload for courts is found in Section 12 of the bill, which would require each circuit court, every year, to enter an order setting aside the judgment and sealing eviction cases that meet certain eligibility criteria. This approach would require reviews and actions in each individual court would therefore be more costly to implement. OJD suggests modifying the requirement in Section 12 to direct the Office of the State Court Administrator to undertake a centralized process at the state level. In that way, OJD could develop an automated process to identify and seal most cases filed after January 1, 2017. We would need to review cases filed between January 1, 2014, and December 31, 2016, to see how many cases still had paper files that would need to be sealed.

As you may be aware, OJD was given ARPA funds during the 2021 legislative session to develop a centralized process to efficiently identify and implement a similar set-aside process to seal records from thousands of previous convictions for marijuana possession crimes, as required by law following Governor Brown's recent pardons. OJD can provide a similar centralized process for eviction cases that would identify eligible cases in all circuit courts, provide a list of eligible cases, generate an order setting aside the judgment, and seal the case.

Utilizing a centralized process would result in consistency and efficiency. The Office of the State Court Administrator would work with local judges and court administrators to ensure that the required orders to set aside are signed and entered on each case. This approach also aligns nicely with OJD's policy option package 103, which is our Fresh Start Expungement

Program. POP 103 would allow us to use technology and centralized services to provide timely action and allow courts to focus on pending cases.

We note and suggest that one other issue that would benefit from clarification is in Section 3(3) regarding translation of forms. My understanding is the intent of that section is to ensure OJD translates all the forms required under Section 2(4) of the bill, but not to require OJD to translate all other forms statewide into those languages.

It is also worth noting that the language in Section 12 applies only to circuit courts, but Section 13 seems to apply to justice courts as well. Justice courts are established and operated by counties. OJD has no administrative control over those courts, and OJD's centralized process would not apply to any cases in justice courts.

Thank you for your time. I am available as a resource to you if you have any questions.