

# Community Law

## METROPOLITAN PUBLIC DEFENDER

DATE: January 30, 2023

TO: Chair Jama and Members of the Senate Committee on Housing and Development

RE: SB 799

My name is Juhi Aggarwal and I am the managing attorney for the Eviction Prevention Program in Metropolitan Public Defender's Community Law Division. Thank you for allowing me to testify in support of SB 799.

Metropolitan Public Defender has been on the cutting edge of criminal defense since 1971. Dedicated to client-centered representation for all, Community Law provides a broad array of civil legal services to improve economic and housing stability. Our eviction program provides free legal advice and representation to tenants in households earning under 80% of the Area Median Income, primarily funded by Multnomah County and the City of Portland. We exclusively represent tenants who are facing eviction. In the last 18 months, our program has advised or represented more than 500 low-income tenants. From July 2021 to June 2022, we served over 200 clients. Since July 2022, as evictions increased, we have served over 350 more individuals.

I offer representative stories of three clients to show how this bill will prevent tenants from losing their homes unnecessarily. The client names have been changed.

First, extending the nonpayment notice period to 10 days (Section 5) will significantly increase tenants' ability to pay their rent. Our client Amanda lived with two roommates. When one roommate abruptly moved out, Amanda and her roommate were short on rent for the month. Amanda and her roommate scrambled to borrow money from friends and family to make up the difference. Amanda found a family member willing to loan her the right amount – but who was unable to provide it until the end of the week. Amanda and her roommate were unable to offer the full rent to the landlord before the notice expired. Desperate to avoid an eviction court filing, Amanda and her roommate hastily vacated their unit on the day the notice expired. They each left to sleep on friends' couches and did not know how they would be able to find new housing. This bill will provide tenants with the ability to preserve their housing despite unexpected circumstances.

Second, the rapid eviction process does not allow tenants to access nor require landlords to accept rental assistance (Section 2, Subsection 2). Our client Maria had lived in her home for over 12 years but received a notice of termination for failing to pay her rent on time. Maria did not connect with financial or legal assistance within the short notice period. When my office contacted her landlord two days after her notice expired, informing them that Maria's county rental assistance application had been approved, the landlord was unwilling to accept guaranteed current and 3 months future rent payments. As attorneys, we found ourselves stymied. Had Maria had trouble paying her rent in November 2021 rather than November 2022, her landlord would have been required to accept the rental assistance. Instead, she had to move out within

# Community Law

METROPOLITAN PUBLIC DEFENDER

weeks. This bill will grant tenants like Maria the time they need to find and apply for financial assistance.

Finally, this bill will grant tenants the right to pay their outstanding rent even after the nonpayment notice has expired, up until their court date (Section 2, Subsection 5). This fall, our client Abdul saw his payroll schedule change from weekly to monthly. During the transition, he calculated he wouldn't be able to pay his rent that month until mid-month. He told his landlord about his anticipated late payment as soon as he knew, but the landlord still issued a nonpayment notice. When Abdul offered his full rent payment, including a late fee, after the short notice deadline had passed, his landlord had no obligation to accept his rent. His landlord chose to file an eviction action in court instead. This bill would allow economically vulnerable tenants like Abdul to maintain their homes.

I would be happy to provide any additional information the Committee would find helpful. Thank you again for allowing me to testify in support of this bill. I urge you to pass SB 799 and the Homelessness Prevention Package.

Sincerely,



Juhi S. Aggarwal, Managing Attorney  
Community Law Division, Metropolitan Public Defender  
jaggarwal@mpdlaw.com  
503-273-1332