



Sybil Hebb
Director of Legislative Advocacy
921 SW Washington Street, Ste. 516
Portland, OR 97205
P: 503.936.8959
shebb@oregonlawcenter.org

**House Committee on Housing and Homelessness
Testimony in Opposition to HB 2305
2/17/2025**

Chair Marsh, Vice-Chairs Anderson and Breese-Iverson, and Members of the Committee:

On behalf of the Oregon Law Center, I respectfully urge your opposition to HB 2305, which would destabilize tenants and put them at greater risk of unfair eviction and displacement into an oversubscribed and unaffordable housing market, where resulting homelessness is a real possibility.

OLC's mission is to achieve justice for low-income communities of Oregon by providing a full range of the highest quality civil legal services. Helping families maintain safe, stable housing is a critical part of our work. Without stable housing, it is difficult or impossible to hold down a job, keep children in school, access neighborhood amenities, and stay healthy. As vacancy rates have plummeted and housing has become less and less affordable across the state, our clients have increasingly struggled to maintain stability for themselves and their children.

In almost every community across the state, Oregonians are rent-burdened and vacancy rates are extremely low. Affordable housing is disproportionately difficult to find and maintain for communities of color, single women with children, seniors, and people with disabilities. Households with children are twice as likely to face an eviction threat as other households,¹ and Oregon has the nation's highest rate of unsheltered child homelessness.²

While the risks and burdens of this rental crisis rest most heavily on the shoulders of low-income families, it is not only they who are at risk. We hear stories of middle-income working Oregonians living in their cars, seeking services from shelters, or desperately afraid of an eviction or an extreme rent spike. A recent Harvard study found that the sudden loss of a home due to eviction is not only a risk associated with poverty, but is a **cause** of poverty.³

For these reasons, we have worked to prioritize housing stability measures and to ensure that our state statutes prevent unjust eviction, extreme rent spikes, and unfair treatment. HB 2305 would undermine tenant stability, increase the likelihood of unfair enforcement, and heighten the sanctions for minor lease violations by creating confusing and duplicative new methods of eviction.

Landlords already have myriad tools to evict tenants for serious lease violations, without offering any opportunity to cure, for material lease violations if the tenant does not correct the behavior, and for repeated lease violations, if the repeat violation happens within 6 months of

¹ <https://www.apartmentlist.com/rentonomics/rental-insecurity-the-threat-of-evictions-to-americas-renters/>

² <https://www.oregon.gov/ohcs/about-us/pages/state-of-the-state-housing.aspx>

³ http://scholar.harvard.edu/files/mdesmond/files/desmondkimbrow.evictions.fallout.sf2015_2.pdf?m=1433277873



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the first violation. (see attached list of statutes)

HB 2305 would add to this already comprehensive list of ways landlords can evict, by allowing the landlord to evict without any opportunity to cure, if a tenant has had *any* two previous unrelated rule violations, *even if the violations were minor and had been corrected*, within a 12-month period.

For example, this bill would allow a landlord to evict, without an opportunity to cure, if within a year, the tenant had violated a rental agreement by:

- Failing to change the batteries in their smoke detector, and then changed them;
- failing to mow the grass, but then mowed it;
- leaving towels to dry on a balcony.

The bill would negatively impact tenants who were responding appropriately to notices by curing the alleged violation.

The bill would most impact long-term tenants, who have been in their housing for more than a year without problems. Within the first year of occupancy, it is already the case that tenants can be evicted without cause, for any reason at all, with only 30 days' notice. After that period, a landlord may use any one of the more than 24 bases for eviction (noted below this testimony) to evict a bad actor tenant, including provisions designed to address repeat violations. The current statutes were designed as a negotiated balance, allowing landlords the first year of occupancy to use no-cause notices, and requiring a just cause standard for eviction thereafter. HB 2305 would undermine that balance.

When evictions happen in today's housing market, they lead to homelessness. We must do all we can to prevent unfair displacement. This is a time when we must come together to support solutions to the housing crisis, not backward steps. For these reasons, we advocate for eviction prevention policies and resources, wrap-around services for people who have lost their housing and have nowhere to go, preservation resources to stabilize affordable housing providers, increased access to homeownership, and supply-based solutions.

Thank you for the opportunity to submit testimony and your service to Oregon communities.
Sincerely,

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List of cause-based reasons for eviction:

1. Material violations of the rental agreement, including the following: ORS 90.392. T may cure within 14 days or immediately if ongoing violation. No right to cure for second “substantially same” violation within six months.
 - a. Nonpayment of a late rent charge (due if not paid by the 4th day) per 90.260.
 - b. Nonpayment of a utility or service charge under 90.315.
 - c. Failing to pay a noncompliance fee allowed under 90.302 for a second noncompliance within one year following a written warning notice for various things, such as failing to pick up pet waste, parking violations, and smoking in a no-smoking area.
 - d. Failure to maintain renter’s liability insurance. 90.222.
 - e. Failure of a “temporary occupant” to “promptly” vacate. 90.275.
 - f. Unreasonable denial of access to a landlord to inspect the premises. 90.322; 90.725.
 - g. Improper installation or use of a portable cooling device. 90.355.
 - h. Failure to give written notice to the landlord of application of the tenant’s security deposit to cover the landlord’s failure to make a payment which placed the premises in foreclosure. 90.367.
 - i. The lease agreement could include many more tenant duties. For example, failure to mow the grass or hanging towels on the balcony railing.
2. Material violations of ORS 90.325; 90.392. Same re cure.
 - a. Failing to use the premises in a reasonable manner as intended.
 - b. Failing to keep the premises clean and free of garbage and rodents.
 - c. Failing to dispose of garbage in a clean, safe, and legal manner.
 - d. Failing to keep all plumbing fixtures clean.
 - e. Failing to use all electrical, plumbing, heating, ventilating, and other facilities and appliances including elevators in a reasonable manner.
 - f. Failing to test any smoke or carbon monoxide alarm at least every six months and replace batteries as needed.
 - g. Disturbing the peaceful enjoyment of the premises by other tenants; includes preventing guest from disturbing others.
 - h. Tampering with a smoke or carbon monoxide alarm.
 - i. Deliberately or negligently damaging the premises or allowing guest to do so.

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- j. Tampering with a fire sprinkler head.
- 3. Failure to pay rent under 90.392; same re cure.
- 4. Failure to pay rent under 90.394. Different cure provision: 10 days after notice given no sooner than the 8th day after rent is due.
- 5. Drug and alcohol-free housing violation. 90.398. 48-hour notice; T has 24 hours to cure. If second violation within six months, 24-hour notice with no right to cure.
- 6. Unpermitted pet. 90.405. T has 10 days to cure. Second noncompliance within six months, no right to cure.
- 7. For manufactured dwelling park tenants, material violations of the rental agreement or the law relating to the tenant's conduct as a tenant, similar to 90.392 (#1 above), but with 30 days to cure. 90.630.
 - a. Includes failure to repair a water leak under 90.578.
 - b. "Three strikes" for manufactured dwelling park tenants – payment of rent after seven days. 90.630 (10). No right to cure after third late payment within a 12-month period.
- 8. Failure to make repairs to a manufactured dwelling unit. 60 days to cure. 90.632.