



February 17, 2025

Oregon State Legislature
House Committee on Housing and Homelessness

Re: Opposition to HB 2305

Dear Members of the House Committee on Housing and Homelessness,

I have been a landlord-tenant attorney for the past fifteen years. I am writing to let you know that I oppose HB 2305, because although there may well be a problem with the way ORS 90.395 is working, this proposal is the wrong fix.

First, here is a bird's-eye view of evictions in Oregon: for many years, eviction filings were relatively flat – from 2016 through 2019, we saw about 19,000 eviction filings in Oregon circuit courts per year. In 2020 and 2021, pandemic laws limited the number evictions, but by 2022, when those restrictions were largely lifted, the filings went right back up to where they had been: about 19,000 per year. But over the past two years, we have seen a dramatic surge in eviction filings. In 2023, more than 22,000 eviction cases were filed in our circuit courts. And then in 2024, it was nearly 28,000. Eviction filings are currently 50% higher than they have historically been, and they are currently at an all-time high, both in raw numbers and per capita.

From my many years as a landlord-tenant lawyer, I know that *most* situations where a landlord is terminating a tenancy, the tenant will leave on their own (often into homelessness) and no eviction case will be filed at all. So we can be sure that the number of tenancy *terminations* is far greater than the 28,000 annual eviction cases filed.

HB 2305 will result in many, many more terminations, largely of the most-vulnerable Oregonians. It will fundamentally change the existing framework for how easy it is for landlords to deal with “repeat offender” tenants, even though the existing framework has worked well for landlords, on the whole. HB 2305 will allow landlords to forcibly displace thousands of Oregonians from their housing for *peccadilloes* – trivial offenses that we should be ashamed to imagine a family might be forced into homelessness for. Things like paying your rent a few days late (but before a late fee is even due), parking backwards in a parking space, or a child failing to pick up a dog poop.

The great bulk of landlord testimony in support of HB 2305 demonstrates that landlords are eager for a change to ORS 90.395, which (at least by one interpretation) allows tenants to perpetually avoid eviction for non-payment of rent by simply paying the rent due under a termination notice on or before the morning of an eviction trial. There are easy ways to fix that simple problem – but instead of presenting one of those ways, HB 2305 would have us throw out our carefully-crafted, time-tested system that, by-and-large, has struck a fair balance, allowing tenants to keep their families housed even when they are occasionally imperfect human beings.

It would be an unfair law that allows someone's driver license to be revoked after three minor parking tickets. HB 2305 would take that style of unfairness and place it on the shoulders of tenants – and by the way, we shouldn't forget that an evicted Oregon household likely results in an average of between \$11,000 and \$33,000 in direct monetary costs to our community.¹ So increasing tenancy terminations isn't just bad for the tenants who are forced out of their homes – it is also a massive drag on our entire state.

If you agree with landlords that the provisions of ORS 90.395 are being abused, then you should consider adopting a narrow fix for that particular problem. But please vote NO on HB 2305 – it is simply the wrong tool for this job.

Sincerely,

A handwritten signature in black ink, appearing to read "TJ".

Troy Pickard

TAP:fs

¹ Costs of Oregon Evictions Report, PSU Homelessness Research & Action Collaborative, <https://www.pdx.edu/homelessness/sites/homelessness.web.wdt.pdx.edu/files/2022-06/June%202021%20Report%20Cost%20of%20Oregon%20Evictions%20Report%20Update.pdf>