

Detailed Summary of SB 799, Eviction Reform and Reduction Bill

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Key Elements of SB 799

- **Provides 60 days' safe harbor from eviction for nonpayment for tenants who have submitted an application for rent assistance and given documentation of their application to their landlords, to prevent displacement while rent assistance is on the way.**
 - Protection lasts for 60 days, or until the application is no longer pending (*Section 2(2)(c)*)
 - If 60 days have passed without payment, the landlord may move forward with eviction without another safe harbor. (*Section 2(2)(c)(A)*)
 - Excludes property damages from the type of non-payment that may trigger a safe harbor. (*Section 2(1)(b)(B)*)
- **Establishes a 10-day notice of termination for nonpayment, up from the current 72 hours' notice.** (*Section 5*) This is the time period within which the Tenant must either pay or vacate in order to avoid an eviction filing in court.
- **Provides that case must be dismissed if payment is made at any time before entry of judgment.** Under current law, Tenants must pay in full before the expiration of the termination notice in order to avoid displacement. If they cannot do that, the eviction case can be filed in court and the Tenant has no legal defense to eviction even if they have found assistance and can make payment. (*Section 2(5)(a)(B) and (C)*)
- **Provides language accessibility by reinstating translation provisions of nonpayment notice and summons forms, to be made available on Oregon Judicial Department Website.** These notices will be standardized and available for use on the Department's website. (*Section 2(3) and (4) and Section 3*)
- **Provides information about where to seek rental assistance and legal assistance.** The bill reinstates the requirement that nonpayment notices and court summons forms include information about where to find rent assistance and legal assistance. This information will be included in the standardized form (*Section 2(3) and (4) and Section 3*)
- **Requires that in distributing federal, state, or local emergency rent assistance, OHCS, public bodies, local governments, and subgrantees must promptly:** (*Section 4*)
 - Provide tenants with a dated receipt of application;
 - Close an application if the provider reasonably determines that the tenant is no longer participating;
 - Provide a dated notice of payment to the landlord, if the payment is made to a different entity;
 - Provide a dated notice of closure or denial to the tenant and the landlord, if the application is closed or denied without payment.

- **Amends timing of First Appearance and Trial.** Current law requires that First Appearances be scheduled at least 7 days after filing, and Trials scheduled no later than 15 days from the first appearance. In some courts, trials are now being scheduled as fast as w/in 2 days of the first appearance. This is in keeping with an expired CJO standard for nonpayment cases that extended these timelines. The bill requires:
 - First appearances to be scheduled 21 days after the filing of an eviction action; and
 - Trial scheduled between 20-30 days after the first appearance.*(Section 27(2)(a)(C)(ii) and Section 10(6)(a))*
- **Prohibits the use of landlord use of maximum occupancy standards for temporary guests that is lower than the amount required by federal, state, or local law or regulation.**
 - Landlords may still regulate conduct of guests, and regulate tenants for guest behavior.
 - Landlord may screen a guest who stays longer than 15 days and require the guest to enter a temporary occupant agreement.*(Sections 14 and 15)*
- **Clarifies the dismissal and default judgment process** – The bill requires that a court may dismiss a complaint at any time if the complaint does not satisfy procedural requirements, and provides that default judgments may only be entered if the court determines that the complaint has met procedural specifications and there is a sworn statement indicating that the tenant has not already delivered possession of the property to the landlord. *Sections 9 and 10*
- **Streamlines implementation of eviction expungement protections** – Under current law, eviction judgments from the pandemic period, judgments that are older than 5 years, and proceedings that did not result in a judgment against the tenant may not be considered when evaluating an applicant for housing, and tenants may apply for sealing of those judgments. However, we have learned that the process of getting a file sealed from the public record is arduous, expensive, and confusing for tenants. The bill does not change eligibility criteria, but provides that the Oregon Judicial Department will review cases for eligibility on an annual basis and seal qualifying cases entered after January 1, 2014. *Sections 11 and 12.*