

The Commons Law Center

February 17, 2025

RE: Opposition to HB 2305

Chair Marsh, Vice-Chairs Anderson and Breese-Overson, and Members of the Committee on Housing and Homelessness:

The Commons Law Center offers the following testimony in regard to House Bill 2305, "Relating to termination of residential tenancy for repeat violations."

Oregon continues to face a pressing problem: tens of thousands of us are unable to pay the current month's rent. Testimony submitted in support of, and opposition to, this bill confirm this horrible reality. As tenant attorneys, we frequently see that a family's or person's inability to pay rent is traceable to fissures within and between systems. We have programs and tools available to help, but these strained systems also struggle to provide much-needed help in a timely manner. And when rental assistance programs also must be coordinated or synchronized, delays can further compound. We cannot place the burden of interacting system failures upon the very people these systems have failed. We write in opposition to HB 2305, which would exacerbate the underlying systemic issues that are feeding an already escalating crisis.

The reality is this: by the time a tenant receives a notice of termination for nonpayment of rent upon their door, launching the legal process in which their landlord requests that the Court allow for their forcible removal from their home, they have already endured a cascade of adverse life events. The ability to pay for housing lies downstream of many upstream factors.

We know that a landlord wants to be paid. But HB 2305 proposes the creation of a "3 strikes, you're out" notice for nonpayment of rent: if the bill becomes law, a notice of termination could be non-curable if a tenant has already been served two termination notices (with the right to cure) in the preceding 12 months and fails to

cure by the termination date in the third notice.¹ Notably, landlords already have the ability to evict tenants who are behind on rent, but must provide the tenant with an opportunity to "cure," or pay the amount alleged on the notice of termination. When a landlord receives the amount due to cure from the tenant in a timely manner, they must dismiss a forthcoming eviction proceeding. If implemented, HB 2305 would prevent (and effectively punish) tenants who ultimately did pay rent over the past year, albeit late and (in our experience) often due to chains of events beyond their control, from continuing to pay their landlord the rent that the landlord seeks. If tenants pay late, twice, but have not moved out, they have clearly demonstrated their will and desire to pay what the landlord alleges is owed and remain in their home. Forcibly removing that family or individual from the home they fought so hard to keep, who did figure out a method by which they provided the landlord with sufficient funds to prevent eviction upon the first two notices of nonpayment, only adds insult to injury. We contend that these problems are "upstream" of both renter and landlord, but that the renter should not be the point of intervention.

Providing landlords with a faster, surefire method with which they can evict people does nothing to help people pay for groceries, access benefits, pay medical bills, or raise children. And the majority of people who will be brought to court already face multiple barriers every day: working families, people of color, seniors, women, and farmworkers are disproportionately confronted with eviction proceedings.²

In the past year— from January, 2024, through December, 2024— 28,073 eviction cases were filed in the state of Oregon. Of those eviction cases, approximately 84-87% of these cases were filed for nonpayment of rent.³ These numbers indicate a crisis: tenants are unable to pay their rent, and landlords are not getting paid on time. In context, however, the data can hardly be surprising: a housing shortage, subsequent increase in housing costs due to lack of supply and inflation, and surging rental costs continue to push many Oregonians closer to being unable to afford rent. Further, wages have not kept up with the increasing cost of rent. In

¹ Sabiha Zainulbhai, *Informal Evictions: Measuring Displacement Outside the Courtroom*, NEW AM., <https://www.newamerica.org/future-land-housing/reports/informal-evictions-measuring-housing-displacement-outside-the-courtroom/>, (last updated Jan. 20, 2022).

² Alex Farrington et al., *Targeted, Harassed, and Displaced: The Role of Discrimination in Oregon Evictions*, UR. STUD. & PLAN. FAC. PUBL'NS & PRESENTATIONS, 1-12 (2024), https://pdxscholar.library.pdx.edu/cgi/viewcontent.cgi?article=1387&context=usp_fac.

³ *Statewide: Latest Eviction Data*, EVICTED IN OR. (Jan. 21, 2025), <https://www.evictedinoregon.com/statewide-latest-eviction-data>.

2022, the rate of increase in median rent was more than three times greater than the rise in median income.⁴ More than a quarter of all renters in Oregon spend over half of their total income on rent or more of their income on housing.⁵

We urge the Committee on Housing and Homelessness to support tenants during this crisis, which, in turn, will help ensure that landlords are paid:

1. **Invest in eviction prevention:** Evictions place a toll upon our community as a whole. Data indicate that evictions worsen poverty through job loss, adverse health effects, and pervasive consequences for the children of families who are evicted. Such issues place strains upon our already overrun systems, affecting us all: evictions increase a person's risk of homelessness, long-term residential instability, and increase emergency room use.⁶ Eviction prevention services, such as The Commons Law Center's in-person legal clinic, intervene to connect tenants to resources, brainstorm solutions, and negotiate agreements to prevent eviction and avoid its many negative effects.
2. **Invest in rental assistance programs:** Increase oversight, staffing, and improve the capacity of rental assistance programs. Delays due to miscommunications, full phone lines, and limited staffing result in individuals frequently reporting that they are unable to access help, or that help arrives too late.
3. **Track eviction data:** Keep track of data to ensure that money is being spent where it can be most effective and to measure the impact of eviction upon Oregon's local economy.
4. **Invest in the creation of more housing:** While Oregon's population has increased, homes have not been built at the same pace. This disparity created a shortage soon worsened by the COVID-19 pandemic. Due to economic turmoil and supply chain issues during the COVID-19 pandemic,

⁴ Bryce Doyle, *Oregon passed expensive legislation supporting renters facing housing crisis. Eviction cases are still climbing*, THE OREGONIAN (Jan. 29, 2025, 6:00 AM),

<https://www.opb.org/article/2025/01/29/oregon-housing-renters-land-lords-politics-homelessness-rent-renters-eviction/#:~:text=Portland%20area%20rents%20outpaced%20rising,the%20rise%20in%20median%20income.&text=Medians%20are%20for%20all%20rental,data%20from%20US%20Census%20Bureau>.

⁵ OR. Hous. & CMITY. SERVICES, STATE OF THE STATE'S HOUSING (2024),

<https://www.oregon.gov/ohcs/about-us/Documents/state-of-the-states-housing.pdf>.

⁶ Matthew Desmond & Rachel Tolbert Kimbro, *Eviction's Fallout: Housing, Hardship, and Health*, 94, Soc. FORCES 295, 295-324 (2015).

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home buying increased while construction faltered. Supply simply does not meet demand.

In summary, we are grateful for the opportunity to submit our testimony, and hope that the House Committee on Housing and Homelessness will vote in opposition to the proposed legislation to avoid the worsening of an already pressing issue. We also wish to indicate support for the testimony submitted by Disability Rights Oregon, Unite Oregon, and Portland State Student Legal Services, among others.

If you have any questions regarding our testimony, please contact Julia Winett, Eviction Defense Attorney Fellow, at julia@thecommonslawcenter.org.

Respectfully,

Julia Winett
Eviction Defense Attorney Fellow