

FISCAL IMPACT OF PROPOSED LEGISLATION

Measure: SB 873 - A

80th Oregon Legislative Assembly – 2019 Regular Session
Legislative Fiscal Office

*Only Impacts on Original or Engrossed
Versions are Considered Official*

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Date: April 12, 2019

Measure Description:

Allows defendant in eviction action to apply for order setting aside judgment.

Government Unit(s) Affected:

Oregon Judicial Department (OJD)

Summary of Fiscal Impact:

Costs related to the measure are indeterminate at this time - See explanatory analysis.

Analysis:

This bill allows a defendant in an eviction case to apply to the court for an order setting aside the judgment.

This creates a new process for OJD. A defendant in an eviction proceeding may move the court for an order setting aside the judgment and sealing the official record of the case. OJD will create forms for litigants to file with the court. Additionally, court staff must receive and process the motion.

The applicant must serve the motion upon the person who was the plaintiff in the underlying eviction case. The court must hear the motion and provide the person an opportunity to contest the applicant’s eligibility for relief. After a hearing, if the court determines that the applicant is eligible for relief, the court must enter an order setting aside the judgment and sealing the official records of the action pertaining to the applicant.

If the plaintiff does not object, then the court may grant the motion without a hearing. We estimate that this would take 10 minutes of judge and staff time per order.

In 2018, there were 18,250 eviction cases filed statewide in circuit courts. In 2017, there were 19,096 eviction cases filed statewide. The bill has an applicability clause that allows applicants to file a motion for any eviction judgment entered before, on, or after the effective date of the bill. The potential pool of cases is very large.

It is difficult to determine the number of motions that will be filed if this bill becomes law. Each motion filed with the court is estimated to create an additional workload of 50 minutes of staff time and 30 minutes of judge time.

The fiscal impact of this bill on the Oregon Judicial Department is indeterminate.