

SB 282 A STAFF MEASURE SUMMARY

Carrier: Rep. Fahey

House Committee On Housing

Action Date: 05/06/21
Action: Do Pass the A-Eng bill.
Vote: 5-3-0-0
Yeas: 5 - Campos, Fahey, Marsh, Meek, Neron
Nays: 3 - Morgan, Weber, Zika
Fiscal: Has minimal fiscal impact
Revenue: No revenue impact
Prepared By: Claire Adamsick, LPRO Analyst
Meeting Dates: 4/27, 5/4, 5/6

WHAT THE MEASURE DOES:

Extends expiration of grace period from June 30, 2021, to February 28, 2022, for repayment of residential rent accrued during emergency period of April 1, 2020, through June 30, 2021. Prohibits landlords from reporting tenant nonpayment accrued during emergency period to consumer credit bureaus. Extends through February 28, 2022, the 72-hour timeline for issuance of notice of nonpayment and intention to terminate rental agreement to 10 days, and the 144-hour timeline to 13 days. Extends increased penalty for landlord retaliatory conduct through February 28, 2022. Prohibits landlord from considering tenant nonpayment accrued on or after April 1, 2020, and before March 1, 2022, when evaluating rental applications. Requires court, upon defendant's motion, to seal court records of judgments regarding claims related to tenancy made on or after April 1, 2020, and before March 1, 2022. Prohibits, until March 1, 2022, landlord from enforcing restrictions regarding maximum occupancy limit that is lower than required by federal, state, or local law, or from limiting maximum duration of a guest's stay. Allows landlords to require temporary occupancy agreement and certain screening criteria for tenants' guests during stays longer than 15 days in a 12-month period. Declares emergency, effective upon passage.

ISSUES DISCUSSED:

- Allowing tenants sufficient time to access available federal rental assistance dollars
- Concerns regarding delays in landlord compensation fund allocations and potential barriers to tenant participation in program
- Landlord ability to access eviction (forcible entry and detainer, or FED) process in for-cause situations and screen prospective tenants outside of eviction for nonpayment
- Confirming Oregon Housing and Community Services' administrative ability to compensate landlords burdened by tenant nonpayment, for example for past tenants who have moved out but owe back rent
- Difficulty in identifying type of eviction based on current court record systems
- Concerns regarding number of FED filings that are determined to be facially invalid

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

On March 8, 2020, Oregon Governor Kate Brown declared a state of emergency due to concerns around the transmission of COVID-19. On March 22, 2020, Executive Order 20-11 prohibited law enforcement from delivering notices of eviction, and on April 1, Executive Order 20-13 placed a temporary moratorium on residential and nonresidential evictions for nonpayment.

During its First Special Session in June 2020, the Legislative Assembly passed House Bill 4213, which established an eviction moratorium for residential and nonresidential tenants through September 30, 2020, and allowed a

SB 282 A STAFF MEASURE SUMMARY

six-month grace period for tenants to repay outstanding rent by March 31, 2021. The grace period established in House Bill 4213 applied to rent accrued between April 1, 2020 and September 30, 2020.

On September 28, 2020, the Governor issued Executive Order 20-56, extending the temporary moratorium on residential eviction for nonpayment to December 31, 2020. This second executive order did not apply the tenant grace period for repayment to rent accrued between October 1 and December 31, 2020, meaning that landlords could lawfully terminate a tenancy beginning in January 2021 for nonpayment of rent between October 2020 and January 2021.

During its Third Special Session in December 2020, the Legislative Assembly enacted House Bill 4401, which extended the grace period for tenant nonpayment of rent and other charges, as well as the moratorium on evictions without cause, until June 30, 2021. The measure also extended the moratorium on eviction for nonpayment through June 30, 2021, for tenants who declare a financial hardship, and established a landlord compensation fund to cover rental assistance.

According to a February 2021 report by Portland State University's Homeless Research & Action Collaborative, as many as 89,000 Oregon households are at risk of eviction. The report estimated that the statewide cost of evictions could reach between \$1 billion and \$3.3 billion based on health, shelter, child welfare, and juvenile justice costs associated with the loss of housing.

Senate Bill 282 A extends the expiration of the grace period from June 30, 2021, to February 28, 2022, for tenant repayment of residential rent accrued during the emergency period of April 1, 2020, through June 30, 2021. The measure restricts landlords from reporting tenant nonpayment accrued during the emergency period to consumer credit agencies and from considering tenant nonpayment accrued during the emergency period when evaluating rental applications. It extends notification requirements and the standard for retaliatory conduct modified by House Bill 4401 through February 28, 2022. It allows former defendants to apply to seal court records of judgments regarding certain claims related to their tenancy if the claims arose during the grace period. The measure prohibits landlords from imposing restrictions against tenants' guests based on the maximum duration of stay in a tenant's dwelling and from enforcing lower maximum occupancies than those established by federal, state, or local laws. In addition, the measure allows landlords to require temporary occupancy agreements and guest screening using standard criteria, except for credit-related indicators.