

Oregon State Legislature
Joint Ways and Means Committee
900 Court St. NE
Salem, Oregon 97301

Dear Co-Chairs Johnson, Steiner-Hayward, Rayfield and Members of the Committee:

My name is Michael J. Stout and I live in Jackson County, Oregon. I am an attorney in private practice and my specialty is landlord/tenant law. I am the Vice President and a member of the Board of Directors of the Jackson and Josephine County chapters of the Oregon Rental Housing Association.

Although I primarily represent housing providers, I also extensively represent tenants, including numerous litigated trials pro bono on behalf of indigent tenant clients. Furthermore, I was one of the attorneys selected to work with Representative Fahey on the workgroup that produced HB 4401, and I was the only attorney affiliated with housing providers selected to assist Representative Fahey and Senator Jama on SB 282 to extend the grace period for unpaid rent that accrued during the moratorium. I respectfully request that you support an investment in Eviction Avoidance Mediation programs.

I am involved in landlord/tenant litigation on a daily basis. I can say without question that litigation is a poor result for both housing providers and tenants. There are rarely any winners. Landlord/tenant law is an extremely emotional issue for all parties. Tenants are facing removal from the place they call home, and housing providers feel a personal connection to the land they own. I have seen spite overcome reason more times than I can count.

The saving grace has always been professional mediation. Prior to the Covid-19 shutdown, Jackson County had an excellent mediation program. Josephine County unfortunately had no mediation program. Prior to Covid-19, the majority of my cases in Jackson County were resolved through mediation without ever requiring a trial. In addition to the relief this presents for the court system, this prevented damaging evictions from following a tenant for five years (and the subsequent crippling money judgments from losing an eviction). It also allowed peace of mind and resolution for the parties.

Mediation not only tends to produce better solutions, it does so with less cost and while preserving the relationships of the parties. Mediation for these cases provides more self-determination and flexibility for the parties compared with standing before a judge. In mediation, parties can negotiate payment plans, and negotiate move out dates. In FED court, the judge cannot talk about rent arrears payment plans, that's a separate court filing in small claims, nor can they negotiate move out dates.

I hope you will prioritize funding mediation as a tool for eviction prevention. Thank you for serving our community.

Sincerely,

/s/ Michael J. Stout

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