

SB 799 STAFF MEASURE SUMMARY

Senate Committee On Housing and Development

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Meeting Dates: 1/30

WHAT THE MEASURE DOES:

Prohibits delivery of notice to terminate residential tenancy for nonpayment for 60 days while a rental assistance application is pending. Requires landlord to deliver notice to tenant specifying rights and resources; directs Judicial Department to translate notice form into specified languages other than English. Clarifies responsibilities of public bodies distributing rental assistance. Extends the 72-hour timeline for issuance of notice of nonpayment and intention to terminate rental agreement to 10 days, and extends 144-hour timeline to 13 days. Specifies requirements for scheduling first appearance in court summons for nonpayment. Adds conditions for default judgment in favor of plaintiff bringing tenancy termination complaint. Requires circuit courts to annually set aside eviction-related judgments and court records, subject to certain court findings and provided judgment occurred after January 1, 2014. 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 on passage.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

The COVID-19 pandemic had a variety of economic effects, impacting many renters' ability to afford housing. An eviction can affect a renter's ability to qualify for another rental and can have downstream effects on homelessness and transitory housing arrangements, health, and/or employment.

Executive orders from Governor Kate Brown relating to COVID-19 date back to the initial declaration of a state of emergency on March 8, 2020. That same month, Executive Order 20-11 prohibited law enforcement from delivering notices of eviction, followed shortly by moratoriums on nonpayment-based evictions in April 2020 with Executive Order 20-13 by the Governor and through House Bill 4213, passed by the Legislative Assembly in June 2020.

In June 2021, the Legislative Assembly enacted Senate Bill 278, directing the creation of the Oregon Emergency Rental Assistance Program (OERAP). Oregon Housing and Community Services (OHCS) reports, as of December 2022, that OERAP paid out over \$426 million in rental assistance to 67,522 Oregon households. Funding for the program has since been exhausted. OHCS credits the program with keeping recipients stably housed but suggests need remains high; the 2021 Census American Community Survey estimates nearly half of Oregon's renters are cost-burdened.

Passed in December 2021, Senate Bill 891 marks the most recent legislation addressing evictions, extending the time for tenants to access rental assistance resources before a landlord can evict a tenant for nonpayment of rent, and providing options for landlords to receive compensation for nonpayment accrued during a specified time period.

Senate Bill 799 prohibits the delivery of an eviction notice for 60 days to tenants whose rental assistance applications are pending and extends notification time frames of nonpayment-based evictions. The measure adds

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requirements for court summons involving evictions and conditions for default judgment in favor of the plaintiff, provides for setting aside judgments and eviction-related court records, and defines allowable landlord actions regarding guest occupancy.

PRELIMINARY