

Safia Goldsmith
February 1, 2023

Good morning,

My name is Safia Goldsmith. I'm a Willamette University undergraduate student and for the past 7 months I've been working as a contracted court observer on the research project known as Evicted in Oregon (EiO) being conducted through Portland State University. I have been observing court primarily in Marion county but also a bit in Polk county and I'm requesting your support for Senate Bill 799 and its provisions. I support the general bill, but especially the 60 day extension for rental assistance and the requirement that residential landlords demonstrate that a tenant not appearing at eviction first appearance remains in possession of premises before entry of judgment by default.

As was brought up at the initial testimonies, I recognize that when the emergency rental assistance provision was first put into effect during the Covid-19 pandemic, landlords and tenants alike witnessed the flaws of the application and distribution process. However, even if they aren't able to receive financial support, the 60 day provision provides an intangible resource to tenants facing eviction that they are consistently deprived of: time. As I witnessed Judges in the Marion county circuit court explain to tenants over and over again, the processes in eviction court move faster than most, on timelines of week to week and day to day decisions. Even tenants who are equipped with knowledge of the process, the ability to conveniently make it into the court, and the capacity to pay past rent, still face a host of systemic disadvantages because of the laws in place, the power held by landlords, and the long lasting relationships between landlords, eviction court judges, and lawyers. The 60 day grace period allows countless opportunities for tenants, even those who are able to combat most of the legal disadvantages stacked against them. For those who want to stay in their homes, the 60 days allows them to reach out to federal funds and request assistance, but for those who don't see this as a possibility, after applying for assistance, the 60 days allows them to seek out legal counsel or try to find a new temporary shelter. It gives them a chance.

Furthermore, this 60 day period, and the time it provides, will benefit the court system, which, at least in Marion county, is currently stressed to its limit. The Marion county courthouse has two rooms currently set aside to hear and process eviction cases. Room 3A and room 2E. Room 3A is a fully furnished courtroom with a jury area, pews for defendants and participants, and a door in the back for the Judge's chamber. Room 2E is a repurposed archives room, set up with rearrangeable chairs and temporary walls that block off the view of the make-shift Judge's chamber.

After becoming familiar with the Judges during my time observing, they explained to me why 2E was laid out the way it was, that it was never meant to be a courtroom but had been repurposed out of necessity because the designated room (3A) couldn't keep up with the cases being pushed past First Appearances onto full length hearings and trials. Room 3A had hit its limit and 2E had been created to handle the overflow. But as cases increased following September 2022, even with the backup courtroom, the Judges were constantly scrambling to find available trial dates and times for eviction cases that were within the 15 day statute. I asked the 2E Judge what they would do if between the two courtrooms they could no longer keep up with the cases. He told me they would be forced to bring Judges out of retirement and hold

trials in one of the public theaters downtown. I was dumbfounded, but it made one thing crystal clear: the courts are overwhelmed. The system is at its limit. Even to the opponents who say “the increased filings are just that – filings – we can’t say they’re really evictions” let me be clear – evictions or not, someone is handling those filings. I have seen them, and they are at capacity. In fact, they are far beyond their capacity.

Eviction research done over the past couple of years by Portland State University that examined the influence of the “safe harbor” policy on case outcomes found that, “More than half of the cases that got safe harbor were eventually dismissed (342 cases).” Although this was an uncommon outcome for cases that utilized the safe harbor, it’s not insignificant. Those numbers represent over 300 diverted eviction cases, meaning cases in which people could stay in their home and not be at a credit disadvantage when looking for housing in the future. It also meant over 300 cases that didn’t have to be further processed through the courts, whether that meant a trial, hearing, etc., thereby not overwhelming the system. This data suggests that the implementation of the 60 days would have a beneficial effect not only on tenants in need, but the court system as well.

The demonstration of possession requirement for default judgments is also an important step in leveling the legal field for plaintiffs and defendants. Default judgments – judgments in which if one party appears and the other does not, the judgment is automatically in favor of the appearing party – are shockingly commonplace but highly consequential. In my experience observing, default judgments are almost always in favor of the landlord, automatically enabling an eviction when the tenant is not present in the courtroom. Given that tenants aren’t able to have someone appear in court on their behalf, this means that if for any reason they are unable to appear (unable to miss work, medical emergency, car accident) they become homeless. PSU’s research on this issue has also found that, “Of all cases filed in Oregon since July 1 2021 [until December of 2022], 24% have ended in default.” In total, that was “5,607 default judgments” that the new law could help prevent. While the bill doesn’t ensure that all defaults could be avoided, requiring clarification on the part of the landlord is a simple step to making sure the tenant is not further disadvantaged by the system that was designed to provide justice to all.

For these reasons, Chair Jama, Vice Chair Anderson and members of the committee, I strongly request that you consider passing Senate Bill 799. Thank you for your time.