

January 27, 2025

Senate Committee on Judiciary
900 Court St. NE
Salem OR 97301

Dear Chair Prozanski, Vice-Chair Thatcher, and Members of the Committee,

I am an attorney, based out of Eugene and Corvallis, who regularly works with tenants. I am writing on my own behalf, and not representing my firm, which is a non-profit organization. I was a Springfield Eugene Tenant Association (SETA) hotline volunteer for several years; I am a member of the SETA Policy Committee; and I regularly provide pro bono services in the Eugene Springfield community at clinics for seniors, young adults, unhoused residents, and low income residents.

I am writing in support of SB 484, as I believe it is a needed update to law and will benefit our communities by increasing access to justice. I support an increase of the claims ceiling from \$10,000 to \$20,000 because of inflationary pressure. Additionally, I support an amendment to this bill which would raise the floor on claims which must be heard in small claims from \$750 to \$2,000, due to the burden of attorney retainers.

Small claims is generally the exclusive remedy for tenants (as well as small business, contractors, etc.) to assert their rights in a financially and procedurally accessible manner. Few tenants can afford to pay a retainer (even for modest means attorney such as myself) who will file a claim for habitability, unlawful access, utility violations, or other ORS 90 matters in circuit court. When tenants learn that a small claim over \$750 can be removed to circuit court, they are less likely to file that small claim, for fear that they will not have the sophistication to properly plead, create exhibits, or effectively prosecute their claim, if the opposing side hires an attorney. Even the increased fees (generally from \$57 to \$281) are a barrier. Therefore, many tenants forego strong, actionable small claims because they fear removal of the claim.

Small claims is an appropriate forum for many landlord/tenant claims because the evidence in these matters is relatively straightforward, the law is simple to interpret, and the remedies are provided in the statute. The parties benefit from mandatory mediation in small claims, where they can work through the communication issues that often arise in the landlord-tenant relationship, potentially forestalling future claims or evictions.

Given that most remedies in ORS 90 are actual damages, rent reductions, or a multiple of the monthly rent, increasing the small claims removal floor to \$2000 would cover many cases where delayed repairs, unlawful access, or security deposits are at issue.

I hope that you will consider increasing access to justice for residents of Oregon by increasing the claim limit to \$20,000 and the removal floor to \$2,000 in SB 484. If you have questions or clarifications about this testimony, I would be happy to connect. I can be reached at goulet@accesstheLaw.org. Thank you for considering my testimony.

Sincerely,

A handwritten signature in black ink, appearing to read 'Molly P Goulet', written in a cursive style.

Molly P Goulet, attorney
OSB 233358