

Submitter: Richard Weill

On Behalf Of:

Committee: House Committee On Housing and Homelessness

Measure, Appointment or Topic: HB2305

I have been a practicing attorney with my office in Multnomah County for 43 years. Since the pandemic I have had a major increase in my landlord/tenant practice, primarily representing "mom and pop" landlords and a few nonprofit organizations that provide housing. I have lost count of these small landlords that have "given up" and sold their rental houses because of their frustration and loss of money due to having to "carry" nonpaying tenants for extended periods of time until they can finally evict the tenant for nonpayment or other for cause reasons. Our pre pandemic laws required 72 hour notices for non payment (3 days extra days for mailing the notice). Now this law is 10 days or 13 if notice mailed. Then...if the tenant does not pay within the 13 day period after mailing, and the landlord files FED suit in court, the court cannot schedule first appearance for 15 days. If the tenant shows up and says "I am applying for rental assistance" or interposes some "defense", the court cannot schedule trial date for another 15 days. We are now at 45 days from the time the landlord sent notice of termination for nonpayment. To add insult upon injury...the tenant is given up to the day of the trial to pay the rent and if they do the landlord must dismiss the case and cannot collect the court fees or attorney fees for having filed the suit. In my practice, the fees/costs are at least \$2000. The landlord gets the one month of rent (or more) that was the basis of the notice, but "eats" the legal/court fee costs.

I have landlord clients that have a tenant who repeatedly does not pay, applies for rental assistance, gets the assistance, but the assistance agencies tell the tenant that they cannot process applications until the tenant is sued by landlord for FED. Over and over the cycle repeats with the landlord "stuck" with this tenant who cannot afford the rent and each time the landlord must go through this process with no reimbursement. This is why they "give up" and sell the unit and that is one less housing unit in the rental pool.

30 day notice is a long time but with a tenant as I have described, this would be an improvement.