

Oregon State Legislature
900 Court St. NE
Salem, OR 97301

Re: Oregon HB 2305

Dear Chairperson Marsh and Members of the Committee,

My name is April Aster, and I am the Director and Managing Attorney of Portland State University Student Legal Services. I represent currently enrolled PSU students in a variety of legal matters. Landlord-tenant issues is our most frequent case type.

In my 17 years as an attorney, I have witnessed the housing crisis in Oregon intensify dramatically. Prior to the pandemic, it was uncommon for my office to assist students facing eviction or termination notices. Now, these cases are increasingly prevalent.

HB 2305 would exacerbate this crisis by making evictions significantly easier. As drafted, this bill would most affect tenants who have termination notices for missed rent payments who are able to secure funds to “cure” the notice. The tenant protections enacted in previous legislative sessions, specifically the right to cure non-payment termination notices, have been crucial in keeping tenants housed and these protections are essential to mitigating the ongoing housing emergency. Prior to the requirement that Landlords must accept payments on Notices of Noncompliance, some landlords would reject emergency funds payments from agencies willing and able to pay rent to keep Tenants housed.

A recent case exemplifies this. A student tenant, one term away from graduation, was renting an apartment with her mother as her co-signer. Tragically, her mother died just before her final term. In addition to grieving, the student faced new financial challenges. Despite informing her landlord of her mother's death and her efforts to secure future rent payments, the landlord issued a notice of nonpayment and later initiated eviction proceedings. Thanks to the right to cure prior to trial, we secured emergency funds for the Tenant, the eviction was dismissed, the landlord was paid in full. The tenant graduated. Without the right to cure, as would be the case under HB 2305, this positive outcome would have been impossible.

HB 2305 would allow evictions based on *any* two previous related or unrelated rule violations within a 12-month period, following a third notice of noncompliance under ORS 90.392. The most common noncompliance notices that I see are related to late or nonpayment of rent, utilities and other fees. Noncompliance notices under ORS 90.392 can also be and are often issued for minor infractions. Notices I have seen include:

- Hanging a curtain in a front facing apartment window instead of using provided blinds
- Children building a fort in an apartment hallway
- Failure to replace dead batteries in a smoke detector
- Improper placement of trash bins
- Parking in the wrong spot
- Use of legal cannabis products on the premises

- Late payment of a \$70 electric bill
- Yard decorations the landlord does not like and wants removed

As written, any combination of two Notices from the above list followed by a late rent payment, could lead to a Tenant's eviction even if they are able to remedy the rule violations and catch up on rent. This bill invites abuse by landlords seeking to remove tenants for pretextual reasons, reversing the progress made toward "for-cause" evictions designed to prevent such abuses.

Furthermore, this bill encourages unnecessary litigation. Currently, most landlord-tenant eviction cases involve nonpayment and are resolved through settlements, with tenants vacating when unable to pay. This bill will increase costs for landlords as tenants will be forced to litigate the legitimacy of previous rule violation notices to protect their housing.

If HB 2305's intent is to address tenant bad behavior or to address repeated, substantial nonpayment issues, it is far too broad. Existing tools already address legitimate concerns and repeat rule violators:

- 24-hour notice for outrageous behavior ORS 90.396
- Eviction for nonpayment of rent under ORS 90.392 or ORS 90.394 (if the notice amount is not paid)
- Three-strike non-compliance process ORS 90.427(7)
- No-cause evictions permitted within the first 12 months of tenancy ORS 90.427

HB 2305 is a harmful bill that will exacerbate Oregon's housing crisis. I urge the committee to reject it.

Thank you for your time and consideration.

Respectfully,

April Aster

April Aster
Director/Managing Attorney
Student Legal Services