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HOUSING INSIGHTS

## An Update on Evictions in Oregon

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The pandemic has lasted longer than anticipated since the original COVID-19 emergency rental assistance bills were passed. While many thought the pandemic would be a one-time event, it has unfolded much more like a story. Each chapter reveals new twists, victories, fallbacks, and solutions. In the last few months, we have continued to see households teeter on the brink of financial, employment, and housing insecurity. The Oregon Legislative Assembly passed SB 891 in December, extending safe harbor periods and providing additional emergency rental assistance funds. With the extension of relief funds, we could see a flatter and more prolonged series of eviction ripples, rather than a wave of evictions.

For example, at the beginning of December, many of the 90-day safe harbor terms from the first round of eviction protections had ended. Multnomah County had reported a spike at 70 cases filed per week. However, we can see the impact that the legislation has had. According to Becky Straus, managing attorney of the Oregon Law Center's eviction prevention project, "Since the passage of SB 891, eviction cases have slowed to about 30 to 40 per week. Of those, roughly 40% are 'set over,'" (Multnomah County, 2022). This means that the tenant has proven they have applied for rent assistance. About a third of cases are dismissed entirely.

Still, a concerning 22% of cases are resulting in default. That could be for many reasons, including transportation barriers, technology access issues, or the tenant having already moved out of their home. "Those are very disappointing, preventable outcomes for tenants who should have been able to access the rent assistance available to them," said Straus. This shows how legislation is stemming the tidal wave of evictions that could have occurred. It also shows how much we can still improve.

According to data collected directly from Multnomah County, there were 225 evictions filed in October, 273 in November, 283 in December, and 225 in January (Multnomah Circuit Court, 2022). In our previous article, we had covered that there were as many as 915 filings in September of 2021. That said, in 2019 Oregon landlords had filed 5,898 evictions, or 491 per month (EvictionLab, n.d.). We see that our rate of eviction had a brief spike, which policy has controlled into a steady stream. However, we are still not at pre-pandemic levels, so it is possible that our eviction wave could still happen.

The Oregon Department of Housing Community Services (OHCS), which processes tenant applications for rental assistance, stopped accepting applications from December 1, 2021 to January 26, 2022. This delay was to process a backlog of application and ensure that there would still be enough funds left to allocate to all applicants (McCarthy, 2022). This left tenants uncertain at the holidays about whether they would be able to apply for assistance in the future. It was not a good look for the state from a public relations standpoint, as they have already been accused of mishandling emergency rental assistance applications.

Meanwhile, today's economy is different from the early days of the pandemic. Inflation is high, and companies are begging for workers rather than laying them off. Apartment rental rates and vacancies have increased to pre-pandemic levels (CoStar, 2022). Perhaps in the beginning of the pandemic, a landlord could have worked with a tenant who was out of work and couldn't pay rent. After all, everyone was out of work, the banks were being flexible about mortgage payments, and there was quite a bit of empathy and a general feeling of being in this together. But today, a landlord could easily fill a vacancy at market rent. He or she may have a mortgage of their own to pay now and would be perhaps less inclined to be lenient and more likely to begin the eviction process.

On February 28, 2022, back rent became due for the first wave of emergency rental assistance applicants (Cline, 2021). Note that there are some programs that do not require repayment. What percentage of people will be able to pay this amount? If you already had no savings, and your new job only pays you enough to live paycheck to paycheck, where will this back rent come from? For the majority of the working class, rent is their number one expense each month. According to CoStar, the average asking rent in Q4 of 2021 for Portland was \$1,461 (CoStar, 2022). But how long were people out of work? Figure 1 below shows how long U.S. workers were unemployed for. It also shows the percent of rent this accounted for using average rents in Portland to estimate the total back rent since February.

While many people were covered by unemployment benefits and additional pandemic relief funds, there were small business owners, freelancers, gig workers, people with limited access to technology, and people with

**FIGURE 1**  
**ACCUMULATED RENT BURDEN OF US WORKERS**

Duration of unemployment		Average Portland area rent by weeks unemployed
Less than 5 weeks	37.0%	\$1,826.25 or less
5-14	24.6%	\$1,826.25-\$5,113.50
15-26	38.4%	\$5,478.75-\$9,496.50
27+	12.5%	\$9,861.75+

Source: US Bureau of Labor Statistics

language barriers who might have been out of work but unable to claim unemployment.

What are implications of this coming repayment period? Luckily, SB 282 puts protections in place that help to keep this dark time from being a permanent shadow on an individual’s financial future. The bill disallows reporting late payments to credit agencies and makes it illegal for future landlords to deny renting based on COVID-19 related evictions or collections (City of Portland, 2021). This begs another question: what incentivizes people owing back rent to pay the balance? They could keep these thousands of dollars of outstanding debt today with fewer consequences that typically incentivize debt repayment.

We have yet to see evictions en masse due to continued rounds of policy changes. The non-payment of rent will likely continue to extend much further into the future than any of us would have believed. The below quote perhaps summarizes our situation best in our extended pandemic:

“Every extension of the moratorium has made things more complicated and more uncertain. Our Legislature has intervened three times, and each time they have made the situation more complicated and more uncertain for renters and housing providers,” (Wheeler, 2021).

Naturally as the pandemic continues and more laws are passed, this creates more nuance, more regulation, and more tenants and landlords jumping through hoop. As the legal environment becomes increasingly complex, people will have to slog through more sets of laws, programs, and exceptions until the individual must by necessity become an expert in the law or hire counsel to interpret it for them. This complexity places an extended burden of education on renters and landlords alike to avoid legal missteps and keep up with changing circumstances.

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