

# Overview and Q&A: The Eviction Process

October 31, 2023 Provider Conference

## Notes (session #1):

Facilitators: Becky Strauss, Oregon Law Center

Moderators: Jaidra Hennessey and Marc Beck

## MAIN POINTS & PRIMARY TAKEAWAYS

Becky Straus managing attorney of Eviction Defense Project “EDP”

1. Overview: Relevant law changes in HB2001 (3/29/23)
2. Types of residential eviction notices
3. Overview of eviction process for nonpayment of rent cases
4. Contact info and resources
5. Q&A

Notices:

- outrageous conduct (24 hour)
- Nonpayment of rent (10 day)
- For cause (30 day/14 day cure)
- No cause (30/60 day; 90 in Portland or Milwaukie)
- Landlord Cause (90 day)

### 1. Nonpayment notices - changes under HB2001 (2023)

- 10 days notice vs. 72 hour; if federal subsidy, must provide 30 day notice
- “Right to Redeem” - If tenant is able to pay before trial, LL must accept rent and tenancy continues
- LL’s cannot refuse to cooperate with rent assistance providers; (eg. no refusal of providing w-9)
- Protections against Default judgments
  - If tenant misses 1st appearance date (20% in Mult Co) -
    - Before a default judgment is entered, LL must attest that tenant hasn’t already left the unit
    - The court must review filing and cannot order default if filing was not legally valid
    - Also, tenant can try to get new court date for “excusable neglect”

### 2. Eviction Process timeline

- Provided sample timelines
- resources 211, CBO’s, EDP for legal and rent assistance
- *EPRR - Eviction Prevention Rapid Response - rent assistance through OHCS only for folks already in court - referral can be made by EDP. The lawyers don’t have the money*
- Court timeline: 1st appearance - tenant must show up. If not, default and lockout in as little as 4 days
- Trial - if no agreement at first appearance. Sometimes a good idea for tenant – if tenant

has a legal defense. Call EDP to try to get a lawyer. Can be good also to have additional time for getting rent assistance. (Trial must be scheduled for 15-30 days from 1st appearance date). Must pay rent owed in notice, but current rent doesn't need to be paid to get case dismissed if they pay.

- Lose trial? Notice of Restitution - 3 days to vacate
  - Resources to prevent street homelessness (homelessness mitigation resources)
  - 211

EDP: For legal help and/or rent assistance: 888-585-9638;  
[evictiondefense@oregonlawcenter.org](mailto:evictiondefense@oregonlawcenter.org); or webform on website.  
[oregonlawcenter.org/eviction-defense-project/](http://oregonlawcenter.org/eviction-defense-project/)

[Oregonrentersrights.org](http://Oregonrentersrights.org)

## Q&A

### 1. Q: What does EPRR stand for?

A: Eviction Prevention Rapid Response fund. State dollars available to tenants statewide for people already in court eviction process. State vendor PPL - which also dealt with pandemic money.

### 2. Q: Survivors of DSV for bifurcation of lease – can they contact EDP? Because use of MPD but they fill up at times.

A: this project of legal aid is specifically for people who have received eviction notices. Check LASO

### 3. Q: Due to the quantity of folks facing eviction and in need of Rental Assistance Are Landlords required to be patient when Payments are in process. or can they still evict?

A: Short answer, No. LL's will be as cooperative as they are, but as long as they follow law, cooperating with rent assistance etc. HB2001 has provided additional time and protections for tenants, which may encourage LL's to be patient – esp. With right to redeem.

- Cooperating = calling org back, providing necessary documentation, accepting timely payment

## Notes (session #2):

Facilitators: Becky Strauss, Oregon Law Center

Moderators: DeAnna Negrete and Andrea Matthews

- Recent state law changes - HB2001 - 3/29/2023
- Types of eviction notices
  - Outrageous conduct (24-hr) - crime, significant damage, emergency
  - Nonpayment of rent (10-day)
  - For-cause (30day/14) - lease violation - 14 days to fix the problem - vacate by 30 days
  - No-cause (30/60-day, 90 in Portland & Milwaukie) 30 for less than a year + rent assistance
  - Landlord cause (90-day) - landlord business reasons - repairs / unfit to occupy,

landlord wants to move in or demolish, or sold to a buyer to move in. Not just if they want to sell.

- No public eye on these displacement times
- Eviction process for nonpayment of rent - need to give 10 days to pay
  - 72-hour notice no longer allowed.
  - If it's federal subsidy - needs 30 days
  - Right to redeem - tenants can pay after eviction process has started
  - If landlord does not work with rent assistance, that is non-cooperation of the landlord
  - If tenant misses first court appearance, default order against tenant
  - New protections - tenant hasn't left the unit or if filing was not valid
- Timeline
  - Before termination notice - RESOURCES 211 & CBO's can help
  - Notice of termination - 7 days late on rent, then 10 day notice to pay or vacate - RESOURCES 211, CBO's, EDP for legal & rent assistance. Funnels to PCC Clear Project and ?
  - Next step - landlord must go to court after the 10th day. Then the landlord can serve complaint on tenant. Resources, 211, EDP, Rent Assistance through EPRR - Eviction Protection Rapid Response fund for Rent Assistance. OSB for private attorney. Tenant accesses EDP legal help plan.
  - Summons - 1st appearance hearing. If landlord is not there, case is dismissed. Tenant must show up even if they've got rent assistance - no matter what. Parties go into the hallway and make an agreement.
  - Lockout phase. Resources: 211 & EDP - likelihood of getting help is lower.
  - Next phase: trial - 15-30 days from first appearance.
  - Lockout: if tenant loses at trial - they get notice of 4 days to vacate. Then landlord can get the sheriff to lockout.
- Resources:
  - EDP: 888-595-9638, [evictiondefense@oregonlawcenter.org](mailto:evictiondefense@oregonlawcenter.org) - before & during court
  - Oregonrentersrights.org
  - Becky Straus contact info
- If landlord rejects 3rd party voucher
  - HB2001 protects against this explicitly
  - asserted through trial - non-cooperation of landlord
  - Current example in Lane County
- Triage number is EDP's number
- Hospital
  - landlord doesn't have obligation to find out if someone is in the hospital
- Outrageous conduct
  - Threats of serious person injury
  - Recklessly endangering
  - Pets endangering - dog bites
  - Substantial damage to premises

- Lying on the application - in particular with criminal conviction
  - Drug manufacturing
- Dealing with federal funding - fighting evictions against property management for LIHTC / state / federal funding - this is common
- Advise tenants to have something with their address on it to protect tenant
- More than one companion pet could be a reason for eviction - depends on the lease. Tenant may be able to make a case for needing multiple pets.
- Agencies needing advice on leases to see if they have fair terms. This would incentivize property owners to have simpler leases (?)
- Landlords stopped working with agencies - looking for ways to bypass landlords since they tend to stop cooperating now that COVID restrictions are no longer present. Landlords won't accept payment and won't provide documentation. Agencies need to document to prevent eviction in court. W9 is a barrier. Looking for other ways to incentivize landlords. One way is to ensure that there is payment for longer term - up to 6 months.