



Portland Housing Bureau

Rental Services Commission

Christian Bryan, Co-Chair
Laura Golino de Lovato
Allen Hines
Mike Nuss
Regina Amodeo
Shannon Olive

Ian Davie, Co-Chair
Marih Alyn-Claire
Kristina Goodman
Vivien Lyon
Matthew Maline

June 4, 2021

Commissioner Ryan and Portland City Council
Portland City Hall
1211 SW 4th Avenue
Portland, OR 97204

RE: Recommendations for COVID Impacted Rental Housing Stabilization

Commissioner Ryan and City Commissioners,

The Rental Services Commission (RSC) forwards our recommendations for the actions we believe City Council should take to address the significant impacts that the COVID-19 pandemic has had on the rental market. The limitations of the state eviction moratorium and state, local and federal relief fund programs will leave thousands of financially impacted tenants unable to maintain their housing after July 1, 2021 without on-going, comprehensive, and targeted support.

The below recommendations came out of a series of three RSC meeting where we reviewed and discussed current protections and various possible rental housing policy and program responses to the COVID-19 pandemic. At the conclusion of these three meetings, the Commission came to a consensus on the recommendations that we believed would have the most meaningful and comprehensive impact on the rental market. On May 18, 2021, the RSC voted to send the following recommendations to Council.

- Commissioners Davie, Golino de Lovato, Hines, Olive, Amodeo, Alyn-Claire, Goodman, Lyon, and Maline support all five recommendations.
 - Commissioner Lyon emphasizes her support of recommendation 1, 2, and 5.
 - Commissioner Olive emphasizes her support of recommendation 1.
- Commissioners Bryant and Nuss support the following recommendations: 2, 3, and 5.

Recommendations

The RSC's recommendation is for a holistic set of policies and services that will stabilize the rental market and protect the unemployed and underemployed tenants who will suffer mass displacement if no action is taken.

1. Local Extension of Eviction Moratorium

The current state legislation to extend the eviction moratorium for nonpayment of rent (SB 282) does not extend the emergency period in which tenants are protected from eviction for their inability to pay the current month's rent. Regardless of SB 282, tenants will need to resume monthly rent payments on

July 1, 2021 or risk eviction. We will see a flood of evictions for nonpayment of rent in July 2021 unless the City passes an ordinance that extends the emergency period beyond June 30, 2021 and the repayment period beyond February 28, 2022, as outlined in SB 282. Council may choose to either set a specific date for the end of the emergency period and grace period or may choose to link the duration of the extension to a clearly identified economic recovery metric such as employment rates. Improved access to financial support for landlords and residents to address rent arrears, as recommended in 3 and 5 below, will allow for a local extension of the eviction moratorium for nonpayment of rent to truly stabilize households and compensate landlords.

The RSC has also heard public testimony regarding an increase in pretextual eviction filings during the eviction moratorium based on reasons other than nonpayment of rent. The RSC requests that Council provide resources to PHB to collect and analyze data related to eviction filings during the moratorium and, dependent on the outcome of this analysis, establish or recommend local protections for tenants facing retaliation or harassment by their landlords.

2. Expand Access to Justice and Legal Services

The RSC urges Council to guarantee that every tenant facing eviction has the right to an attorney (a Universal Eviction Defense program). RSC members' expertise would be useful in creating this program and we are available for further support in the creation of this vital right. The RSC recommends that the City require landlords to file all Notices of Termination (pre-eviction notices) with the City. By requiring these notices to be filed, tenants can have the right to consult with a lawyer before an eviction case is filed to best determine their likelihood of success in eviction court. In addition, eviction court clinics should be held regularly both remotely and at eviction court to help all parties navigate and understand the eviction process and court procedure. As PHB launches the Landlord-Tenant Mediation Pilot Program, the RSC foresees an opportunity to scale up this program by making it a mandatory requirement before filing an eviction and coupling it with the Universal Eviction Defense program to further prevent evictions.

The RSC also urges Council to also create a program that allows low-income landlords to access free legal services to advise of their rights and obligations as a housing provider in the City.

3. Increased Communication, Education, and Access for Landlords and Tenants

Many tenants are unaware of how to access the critical financial resources to stabilize their household during the pandemic. There is a need for additional educational services, case management services, and financial resources for tenants who are often unaware of their rights and available resources. Needed case management services include both financial counseling, housing stabilization services, and relocation services. Relocation services should include moving assistance and housing search/application support. Given the complexity of local protections, there is also a need for additional educational services for landlords.

These services and resources should be made available through a two-pronged approach to assure equitable access. The first prong would be a centralized access point. The second prong would be a system that is designed to prioritize access for those experiencing the most disparities due to the pandemic, similar to PHB's current expanded partner network model for the delivery of emergency rent assistance.

4. Promote Housing Stability by Strengthening Existing Protections and Creating New Protections

City Council can promote ongoing stability for tenants by amending existing local protections. The Mandatory Relocation Assistance protections should be amended to allow a tenant to request Relocation Assistance for a rent increase in any amount, or at a minimum no more than 5%, for the full duration of the state or local grace period to repay rent arrears under the eviction moratorium. This Ordinance should also be amended to increase the amount of relocation payments in recognition of the 7.98% inflation since these protections were adopted and the additional barriers to relocating at this time. The RSC heard compelling public testimony from residents of Kelly Butte Manufactured Home Park regarding the closure of their park and likely loss of their homes. The Mandatory Relocation Assistance protections should be amended to better protect residents of manufactured home parks and provide an amount of Relocation Assistance that truly reflects the significant financial impact of displacement for tenants who rent a space to locate their manufactured home.

As referenced above, the RSC is concerned about the increase in retaliatory and pretextual evictions experienced by tenants who have exercised their rights under eviction moratorium for nonpayment of rent. The RSC also heard public testimony about an increase in landlord harassment towards tenants who were unable to pay their rent during the pandemic. We urge Council to strengthen or establish new local protections for tenants facing retaliation or harassment by their landlords.

5. Establish Emergency Rent Assistance and Expand Permanent Long-term Rent Assistance

The RSC asks the City to create a robust permanent emergency rent assistance fund that can be accessed by both tenants or landlords. Council should consider expanding eligibility to this rent assistance to renters who, while often rent burdened and surviving on limited means, may not meet the traditional low-income eligibility requirements (above 60% Area Median Income). This fund should be coupled with a Universal Eviction Defense program to allow tenants facing possible eviction for nonpayment of rent to remain housed. Local code should be adopted to allow for easier use of emergency rental assistance by requiring landlords to accept rent assistance. Local code should also be adopted to allow tenants a longer period of time to cure a termination notice for nonpayment of rent beyond the standard 72-hour period. This extended cure period would allow tenants the needed time to secure assistance to avoid eviction.

The RSC also asks the City to expand the existing City-funded Long-Term Rent Assistance Program - LRA (co-funded with Multnomah County via the Joint Office of Homeless Services) to provide additional permanent deep affordability and housing stability to tenants.

Conclusion

The RSC is grateful for the opportunity to provide input on the important steps that the City should take to stabilize the rental market and protect vulnerable tenants during this unpredicted time. The RSC welcomes the opportunity to provide ongoing input as needed.

Sincerely,



Christian Bryant
Co-Chair



Ian Davie
Vice-Chair