



October 6, 2021

Dear Governor Brown:

Over the last 18 months, the COVID-19 pandemic has put unprecedented pressure on both tenants and housing providers in Oregon. As Chairs of the Oregon Senate Committee on Housing and Development and the Oregon House Committee on Housing, we have been proud to work hand in hand with the executive branch and local partners to stabilize the rental housing market and protect tenants from evictions. Your quick action in March 2020 in signing EO 20-13 to place a temporary moratorium on evictions – later expanded and modified by the legislature through HB 4213 and HB 4401 – prevented thousands of Oregonians from being evicted from their homes. The executive branch has been central to distributing record amounts of rental assistance to tenants and landlords. But now, we are writing with deep concern about the current state of rental assistance distribution in our state, and **we are urging further executive action to protect vulnerable Oregonians from becoming unhoused.**

As legislators considered the need for additional tenant protections in the final weeks of the 2021 Legislative Session, the availability of rental assistance funds was a key part of the picture. Oregon Housing and Community Services (OHCS) had already launched the Oregon Emergency Rental Assistance Program (OERAP), which in partnership with local Community Action Agencies would distribute the approximately \$360 million in rental assistance that the federal government had allocated to the state. By overwhelming margins, the legislature passed SB 282, which extended the grace period to February 2022 for tenants to pay back rent to their landlord, and SB 278, which provided tenants a sixty days “pause” on eviction proceedings after showing proof that they had applied to a rental assistance program. We believe that no tenant should be evicted for nonpayment at a time when we have sufficient rental assistance resources available, and we expected, based on the information available at the time, that SB 282 and SB 278 would provide the protections needed to provide stability to renters and landlords while resources were distributed.

Over the last four months, it has become increasingly clear that distribution is not keeping up with our expectations. Back in June, none of us anticipated the impact of the Delta variant on the trajectory of the pandemic and the economic recovery. The Delta surge has further delayed economic recovery for low-wage workers while at the same time, federal unemployment benefits ran out on September 4. While many Oregonians have seen their economic fortunes improve since the spring and are now on track to pay their rent going forward, thousands of Oregonians continue to need help.

According to the most recent numbers from OHCS, nearly 12,000 applicants are at risk of timing out of their safe harbor protections. In Multnomah County, which has an extended 90-day pause in place, 4,210 applications have not been paid after 90 days. Statewide, 7,700 applications have not been paid after 60 days and 3,700 applications have not been paid after 120 days. OHCS estimates that it will take 10 to 13 weeks for their processors and local partners to get through the backlog of applications that are past 60 days due. While funding has started being distributed more quickly in recent weeks, **this progress is not enough to prevent evictions for tenants who have been waiting months for assistance.**

Those numbers represent thousands of Oregonians who are struggling through no fault of their own in a global pandemic, applied for assistance in a timely manner, and now may lose protections and be evicted for nonpayment even though there are more resources available to help them than ever before. The numbers above do not include those tenants who do not know about rental assistance, who have not successfully completed the application due to paperwork or technology barriers, or who have simply moved out upon receiving a termination notice, rather than go through a court eviction process. The administrative challenges of the OERAP program have prevented many local partners from doing the intensive outreach and assistance that would help these programs reach more people.

When a family is evicted, it negatively impacts their physical health, their mental health, their children's education, their ability to keep a job, and their long-term well-being. Even a short period of becoming unhoused or housing instability can do long-term, generational harm to families and communities. This harm will be concentrated among the Black, Indigenous, communities of color and low-income Oregonians who have been most vulnerable over the course of the entire pandemic. In addition, evictions have been shown to contribute to the spread of COVID-19 – a serious consideration in the context of a Delta surge that has hit many parts of our state hard.

We understand that the past 18 months have been extremely taxing to the people and organizations that make up our social safety net, and that Oregon has been relatively

successful at getting money out the door in comparison to other states across the country. But those considerations do not help those families who are currently at risk of eviction. The executive branch must take additional action to protect Oregonians.

**First, we urge that OHCS and the executive branch act with urgency to speed up the rental assistance distribution.** Specifically, the agency should be taking steps to:

- Improve the Allita application to be more tenant-friendly and more accessible for people who do not speak English or have access to a computer;
- Take advantage of all federal administrative flexibilities and actively support local partners in using those flexibilities, so that any unnecessary barriers to efficiently processing applications are removed; and
- Strategically use contractors to process the oldest applications and those most at risk of eviction in the near term.

We have been heartened to hear about the agency's plans to improve implementation, but we hope that efficiency and accessibility will be prioritized as Oregon looks forward to the second round of federal funding.


**Second, we urge you to issue an executive order to extend the 60 days safe harbor timeline to 120 days statewide, or at least do so in those counties where a meaningful number of applications are more than 60 days outstanding.** Faster processing will not be enough to protect the thousands of tenants who have already run out of time in their safe harbor period. The Oregon Chief Justice has already acted to the extent of her authority to extend eviction court deadlines and encourage flexibility. But our providers and systems simply need more time to get funds into Oregonians' hands and prevent evictions.

As policymakers and as Oregonians, the past 18 months have compelled us to take unprecedented action. We have the funds and policy tools to stop evictions and prevent enormous harm to our communities. We urge you not to miss this opportunity.

Sincerely,



Senator Kayse Jama, SD 24  
Chair, Senate Committee on  
Housing and Development



Representative Julie Fahey, HD 14  
Chair, House Committee on Housing