

OREGON EVICTION DEFENSE SERVICE SYSTEM ASSESSMENT

Analysis and Recommendations Provided to
Oregon Housing and Community Services

December 2023

Acknowledgements

The Oregon Eviction Defense Service System Assessment was made possible by the efforts of many people. This report synthesizes contextual information about housing instability, program service data related to eviction defense and prevention, and the perspectives of service providers across the state and from a variety of organizations that intersect with tenants at risk of eviction. This broad effort relied on service providers donating their time, data, and insights to ensure that this system assessment was accurate and the results are useful.

Between October 2022 and September 2023, staff from the following organizations contributed to this report by participating in interviews, engaging in focus groups, or providing quantitative data for analysis:

Oregon Law Center, Legal Aid Services of Oregon, Center for Non-Profit Legal Services, Metropolitan Public Defender, PCC Clear Clinic, The Commons Law Center, Oregon Judicial Department, Office of the State Court Administrator, Lane County Circuit Court, Washington County Circuit Court, Union/Wallowa County Circuit Court, Multnomah County Circuit Court Legal Resource Center, Community Alliance of Tenants, Home Forward, Portland State University, Portland Defender, ACCESS Inc. (Jackson County), Community Action Program of East Central Oregon (Gilliam, Morrow, Umatilla, Wheeler Counties), Community in Action (Harney and Malheur Counties), Community Services Consortium (Benton, Lincoln, Linn Counties), Community Connection of Northeast Oregon (Baker, Grant, Union, Wallowa Counties), Mid-Willamette Valley Community Action Agency (Marion and Polk Counties), Yamhill Community Action Partnership (Yamhill County), Neighbor Impact (Crook, Deschutes, Jefferson Counties, Confederated Tribes of Warm Springs), Klamath/Lake Community Action Services (Klamath and Lake Counties), Oregon Coast Community Action (Coos and Curry Counties), Lane County Human Services Commission (Lane County), United Community Action Network (Douglas and Josephine Counties), Oregon Human Development Corporation, Beaverton Center for Dialogue and Resolution, Clackamas County Resolution Services, Lincoln County Dispute Resolution, Resolutions NW, Resolve Center, Six Rivers Resolution, Oregon Center for Community Dispute Resolution, Central City Concern, Oregon Housing and Community Services, Oregon State Bar Modest Means Program and Free Legal Answers Program, Eviction Representation for All initiative in Multnomah County, Washington State Office of Civil Legal Aid Resolution Washington, Civil Legal Counsel Projects Program in Washington DC, Michigan State Bar, and Indiana State Bar.

We extend our sincere gratitude to these partners for their collaboration in this effort, and we hope that the results of this assessment help give shape to a comprehensive, coordinated, and effective response to eviction in Oregon that maximizes the expertise of the state's service providers and supports housing stability for Oregon renters.

The author would also like to acknowledge the Oregon State Bar for its valuable support facilitating this project.

This report was commissioned by Oregon Housing and Community Services and was completed by an independent consultant with expertise in the evaluation of eviction defense programs. Questions about this report can be directed to the author, Kelly Jarvis, Ph.D., at kelly@anbandia.com.

Executive Summary

This document is the product of a yearlong system assessment and research project. Its findings are intended to support Oregon Housing and Community Services and its system partners, including legal and legal-adjacent service providers, design ways to ensure that Oregon’s eviction defense service system is appropriately capacitated and resourced to meet the needs of renters. This report presents a thorough inventory of Oregon’s existing services related to eviction defense, highlighting the system strengths, identifying promising practices, and noting any service gaps. It also offers recommendations for how system partners might capitalize on existing strengths and address existing gaps to bolster the overall system.

EVICTION impacts thousands of Oregonians every year, putting families at risk of homelessness and an innumerable list of short-term traumas and longer-term hardships associated with forced displacement. This is especially true for households of Black and Indigenous People of Color (BIPOC), whom national data show are overrepresented in the population of renters facing eviction proceedings. The primary drivers of eviction are economic (e.g., rising rents, stagnant wages) and structural (e.g., insufficient affordable housing). In 2023, Oregon had the 14th highest housing wage in the country and half of Oregon renters spent more than 30% of their income on housing costs. As rents continue to outpace wages, low-income renters remain at increased risk of eviction and longer-term housing instability.

In 2022, nearly 19,000 evictions were filed across Oregon’s County Circuit Courts, back to pre-pandemic levels. Filings are rising further in 2023.

Among the cases filed in 2022:

- 81% filed for nonpayment of rent
- < 10% of tenants represented by an attorney, and > 50% of landlords represented by an attorney or agent
- 42% ended with a judgment against the tenant, who lost their home along with their case

Broad-scale *eviction prevention* will require upstream systemic approaches that will improve these economic and structural conditions, which would improve low-income tenants’ housing stability and curtail eviction risk. However, when eviction filings occur, tenants face a legal issue and legal process for which *eviction defense* services are warranted. Eviction defense services have a range of benefits, including keeping tenants in their homes whenever possible, negotiating “soft landings” for tenants who move, and fostering a more equitable balance of power in landlord-tenant court and the eviction process.

Recent investments have increased the number of Oregonians receiving help with a potential eviction. For example:

- The number of tenants receiving legal services quadrupled from 2019 to 2022.
- Emergency rental assistance was provided to thousands of households.
- Tenant organizers expanded outreach to connect with more tenants across the state.
- Eviction-specific mediation programs served hundreds of renters and landlords.

RECENT INVESTMENTS by the State and some local jurisdictions in legal services, mediation, and emergency rental assistance have notably augmented the service system. Prior to the pandemic, scarce resources existed to help low-income Oregonians facing eviction. Since then, the number of renters receiving legal services with an eviction has quadrupled (from 395 in 2019 to 1,671 in 2022), largely due to the statewide Eviction Defense Project and local efforts in Multnomah County and Portland. Moreover, thousands of households have received emergency rental assistance to help pay arrears, and hundreds more have benefitted from expanded community outreach by tenant organizers and newly developed mediation programs tailored for eviction cases.

These expansions are important. Yet, their totality has not been fully considered nor has their integration been intentionally engineered. As in many other states, Oregon’s investments into these eviction defense services were made during the pandemic emergency period and program implementation was fast-tracked to respond to the quickly increasing demand for services. The urgency of rollout left little time to build foundational infrastructure or to consider how all of the funded programs might dovetail into a coherent and coordinated service system. This report aims to address this larger question of system coherence.

FINDINGS in the report led to specific recommendations for how system partners, including OHCS, can strengthen Oregon’s eviction defense services system. The assessment results also underscored the importance of three foundational practices that must underly the overall effort:

❖ **Ensure a client-centered approach.**

Holding client experience as the guiding star for program design and modifications will yield a more effective system. This calls for understanding clients’ circumstances and needs, the barriers they encounter, and the ways in which services can be easier for them to access—for example, developing ways to serve the large numbers of tenants with nonpayment cases and to reach tenants early in the eviction process. A client-centered system also seeks to shoulder the responsibility to reach clients and triage them to the right service, rather than leaving clients, who are typically under-resourced and over-burdened, to self-navigate what is often a confusing system. Importantly, a client-centered approach is particularly necessary to advance equity within a system. This requires considering how services can be designed to reach and serve renters from marginalized populations, who tend to experience greater eviction risk and who may be less comfortable engaging with the court system and perhaps less inclined to seek out legal help.

❖ **Orient to eviction defense as a service continuum.**

Eviction defense is more than representation in the courtroom and requires more than just attorneys. Done well, it entails a continuum of services to meet a variety of tenant needs. Robust eviction defense services involve a range of coordinated legal and legal-adjacent services to support household stabilization, including direct legal services, early diversion programs, mediation services, community education and outreach, and ancillary services such as rental assistance. This range of services implicates a diversity of system partners, such as non-profit legal services providers, private attorneys, landlord-tenant courts, community-based organizations, tenant organizations, mediation providers, rental assistance providers, and landlords/housing providers. Engaging a diversity of partners enables the leveraging of each partner’s expertise and resources to collectively and optimally address tenant needs while minimizing redundant efforts.

❖ **Support coordination and information sharing across system partners.**

An effective service system supports collaboration between partners to reduce barriers to access, streamline referral pathways, prioritize service coordination, and enable information exchange. Coordination among services providers—e.g., connecting legal services with rental assistance or mediation—can facilitate holistic service access for tenants and bolster provider efforts (e.g., referral pathways can expand outreach, ancillary services can support better legal outcomes). Cross-provider information sharing allows promising practices to be broadly disseminated, capitalizing on the learnings from small-scale innovations piloted around the state. Accelerating the flow of information throughout the system will yield a more intelligent system and one that is better positioned to evolve and respond to changing circumstances for tenants.

Table of Contents

- Eviction Prevention and Eviction Defense 1
- Eviction in Oregon..... 3
 - Housing Cost Burden and Eviction Risk 3
 - Emergency Rental Assistance 4
 - Subsidized Housing 4
- Eviction Process: Forcible Entry and Detainer (FED)..... 5
- Past 5 Years: Evictions in Oregon from 2018 to 2022..... 7
 - Number of Filings 7
 - Default Rates..... 8
 - Rates of Legal Representation 8
 - Judgments Against Tenants 9
- Current Snapshot: Evictions in Oregon from July 2022 through June 2023 10
 - Eviction Filings by County 10
 - Eviction Filings per 100 Rental Units by County 10
 - Rates of Legal Representation 12
 - Reason for Eviction Filings 12
- Eviction Defense Service Continuum Components 13
- Oregon Programs Supporting Eviction Defense Services 16
- Current System Strengths and Gaps 23
 - Legal Services by Attorneys 23
 - System Strengths and Promising Practices 25
 - System Gaps..... 27
 - Legal Services Accessed by People of Color..... 29
- Legal Information and Community Outreach 30
 - System Strengths and Promising Practices 31
 - System Gaps..... 33
- Mediation / Alternative Dispute Resolution 34
 - System Strengths and Promising Practices 34
 - System Gaps..... 35
- Emergency Rental Assistance 36
 - System Strengths and Promising Practices 36

System Gaps..... 37

Other Entities Involved in, or Adjacent to, the Eviction Process 38

 System Strengths and Promising Practices 38

 System Gaps..... 40

Recommendations and Considerations 41

 Recommendations for State-Level Program Design and Oversight..... 41

 Considerations for Local-Level Program Design and Coordination 44

 Opportunities to Learn 50

Appendix..... 54

Eviction Prevention and Eviction Defense

Every year in the United States, millions of evictions are filed,¹ putting millions of families at risk of homelessness² and an innumerable list of short-term traumas and longer-term hardships associated with forced displacement. This is especially true for households of Black and Indigenous People of Color (BIPOC), who are overrepresented in the population of renters facing eviction proceedings. Moreover, eviction and the related threat of homelessness carry particularly severe risks for vulnerable populations, such as older adults, people with disabilities or chronic health conditions, and families with children.

The majority of evictions are filed for nonpayment of rent, underscoring that the primary drivers of eviction are economic (e.g., rising rents, stagnant wages) and structural (e.g., insufficient affordable housing). As rents continue to outpace wages, renters—especially those with low incomes who do not have a financial safety net to accommodate emergency or unpredicted expenses—are at increased risk of eviction and for longer-term housing instability which holds myriad negative consequences for health and well-being.³

Through this lens, housing instability—of which eviction is a consequence—is better understood as a public health problem for which true **prevention** requires early systemic approaches to stabilize housing for low-income households. Such approaches might include increases in affordable housing units, available housing subsidies and long-term rental assistance, and livable wage jobs. For households that experience housing instability, **eviction prevention** requires reaching renters upstream, at early indications of hardship or risk, and offering necessary resources and support, such as rental assistance, housing navigation, employment help, domestic violence services, or mental health services, before the formal eviction process is initiated.

Once an eviction is set in motion, either with a landlord serving a termination notice or filing a court case, it becomes a legal issue, at which point legal services are essential for **eviction defense**. Cases in landlord-tenant court tend to be imbalanced, with a large majority of tenants alone in court facing a better-resourced landlord who often has legal representation. Providing **eviction defense** services to tenants helps to ensure that tenants know their rights and are able to present their side of the case effectively, that landlords abide by housing laws, and that the court is better positioned to decide cases based on the facts and not because one side had the benefit of legal counsel. Eviction defense services have notable impacts on tenants' housing stability. In many cases, legal representation enables tenants to retain their housing.⁴ When a move-out is necessary or desired, attorneys are instrumental in helping tenants negotiate stipulated agreements that mitigate the myriad negative and potentially long-lasting impacts of an eviction action, which can ease tenants' ability to relocate and support their longer-term housing stability.⁵

¹ Gromis, A., Fellows, I., Hendrickson, J.R., et al. (2022). Estimating eviction prevalence across the United States. *Proceedings of the National Academy of Sciences*, vol. 119 (21). <https://www.pnas.org/doi/epdf/10.1073/pnas.2116169119>

² A recent study highlighted rising housing costs and eviction as a trajectory into homelessness: Kushel, M., Moore, T., et al. (2023). Toward a New Understanding: The California Statewide Study of People Experiencing Homelessness. UCSF Benioff Homelessness and Housing Initiative. <https://homelessness.ucsf.edu/our-impact/our-studies/california-statewide-study-people-experiencing-homelessness>

³ Desmond, M., & Kimbro, R.T. (2015). Eviction's fallout: Housing, hardship, and health. *Social Forces*, vol. 94 (295–324).

⁴ The eviction right to counsel project in New York City reports that a majority of tenants with representation retain their housing: https://www.nyc.gov/assets/hra/downloads/pdf/services/civiljustice/OJ_UA_Annual_Report_2021.pdf

⁵ A multi-year evaluation of California's Sargent Shriver Civil Counsel Act demonstrated the impact of legal aid attorneys in settling eviction cases across multiple counties: Jarvis, K., Lucas, L., et al. (2020). Report to the California State Legislature for

Eviction defense legal services are a critically necessary component of a comprehensive system response to eviction, because although the causes of housing instability are often economic and structural, eviction is ultimately a legal issue. That said, legal services are often applied fairly late in the eviction process (when a lawsuit is real or imminent), rendering these services a crucial intervention and not a broadly preventative measure. For many families who struggle to reconcile high housing costs and low household incomes, the risk of missing a rent payment and receiving an eviction notice is nearly always looming. Legal aid attorneys can help individual tenants avoid eviction, but they cannot fix—truly prevent—the public health problem of income and housing insecurity that is the root cause of most evictions. Therefore, legal services are necessary to help tenants facing eviction, but alone they are not a sufficient remedy to stem the tide of unstably housed renters. An effective system response to eviction embeds eviction defense legal services within a broader portfolio of supportive prevention services.

This report focuses on eviction defense services in Oregon.⁶ It is important to note that these services will be most impactful when they are positioned within a broader spectrum of eviction prevention and housing stabilization strategies, actively coordinated with other services and entities in the system, and implemented in jurisdictions with strong tenant protections codified in housing laws.

the Sargent Shriver Civil Counsel Act Evaluation. NPC Research. https://www.courts.ca.gov/documents/Shriver-Legislative-Report_June-30-2020.pdf

⁶ This report also refers to “diversion” services which are applied when there is existing eviction risk but before a lawsuit is filed. These services aim to resolve the dispute early and divert the tenant from court.

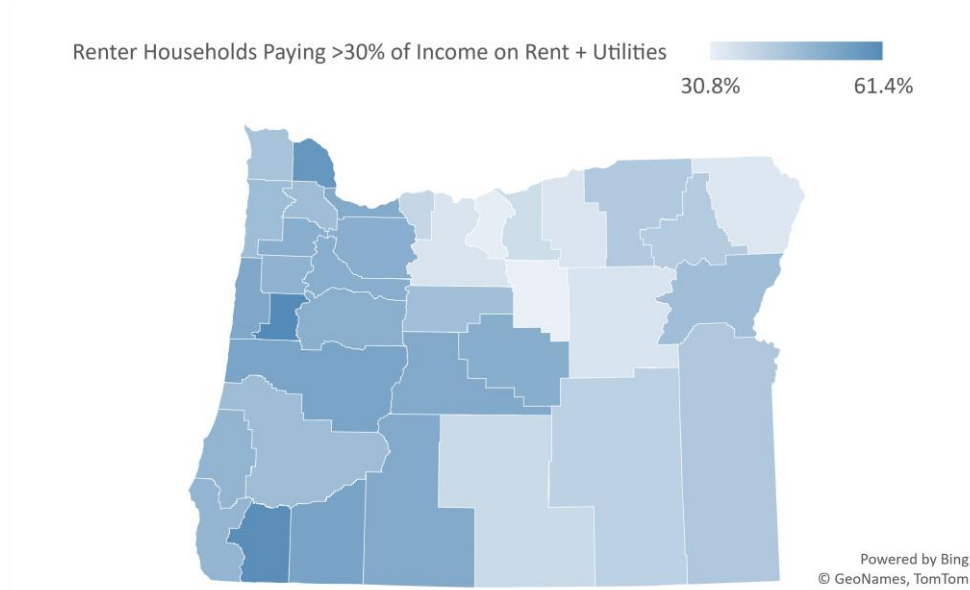
Eviction in Oregon

According to the US Census Bureau⁷, in 2022, Oregon was home to 4,240,137 people and included a total of 1,859,387 housing units. Of these units, 63% were owner-occupied, leaving 37% as possible rental properties. Data from the American Community Survey show that the Oregon's vacancy rate has decreased over time, from 9.7% in 2014 to 7.2% in 2022,⁸ making it harder to renters to find housing. In 2023, the National Low Income Housing Coalition (NLIHC) estimated Oregon to have 610,926 renter households.⁹

Housing Cost Burden and Eviction Risk

Rent increases have outpaced wage growth over many years, saddling a large swath of Oregon renters with considerable housing cost burden. American Community Survey (2016-2020)¹⁰ data showed that half (51%) of all Oregon renters spend more than 30% of their income on housing costs.¹¹ As shown in Exhibit 1, the percentage of rent-burdened tenants varied by county, ranging from 31% to 61% across the state. Notably, these estimates are based on data collected before the COVID-19 pandemic, which exacerbated economic strain for many Oregonians, making it likely that the percentage of cost-burdened Oregon households has increased since 2020. As rents continue to climb and affordable housing remains scarce in all areas of the state, renters—especially those with low incomes—are at increased risk of unstable housing, often just one unexpected car repair or medical bill away from falling behind on rent and receiving an eviction notice.

Exhibit 1. Percent of Renter Households Experiencing Housing Cost Burden, by County



Data Source: American Community Survey 5-year estimates (2016-2020).

⁷ <https://www.census.gov/quickfacts/fact/table/OR/IPE120221#IPE120221>

⁸ <https://data.census.gov/profile/Oregon?g=040XX00US41>

⁹ <https://nlihc.org/oor>

¹⁰ https://www.pdx.edu/population-research/sites/g/files/znlchr3261/files/2022-03/ACS_Profile_Counties.pdf

¹¹ The US Department of Housing and Urban Development (HUD) defines housing as affordable when tenants pay no more than 30% of their income on housing costs (rent, mortgage, utilities). People paying more than 30% of their incomes on housing costs are considered “rent burdened” and those paying more than 50% are considered “severely rent burdened.” <https://archives.hud.gov/local/nv/goodstories/2006-04-06glos.cfm>

In its 2023 *Out Of Reach* Report,¹² the NLIHC ranked Oregon as having the 14th highest housing wage in the country. **Housing wage** is calculated as the hourly wage necessary for a renter to earn at a full-time job in order to afford the Fair Market Rent¹³ (FMR) and utilities for a 2-bedroom unit without spending more than 30% of their income on housing costs. In Oregon, the statewide housing wage is \$29.72 per hour (\$61,818 annually) to afford an FMR of \$1,545 per month. This housing wage is notably higher than both the actual average renter wage (\$22.47) and the state minimum wage (\$14.20). Housing costs were predictably higher in the state's metropolitan areas; the highest rate was in the Portland-Vancouver-Hillsboro Metropolitan Statistical Area, which had a 2-bedroom FMR of \$1,839 per month and a housing wage of \$35.37 per hour. However, this disparity between costs and wages existed in all areas of the state, underscoring a broad lack of affordable housing. When the NLIHC calculated an estimate for the combined nonmetro areas of Oregon, the 2-bedroom FMR was \$1,096 and the housing wage was \$21.07 per hour (\$43,827 annually), which was still higher than the actual average renter wage in these areas (\$16.27) and the state minimum wage.

Emergency Rental Assistance

Underscoring the widespread experience of rental cost burden and related eviction risk, particularly in the wake of the COVID-19 pandemic, the State has made emergency, short-term rental assistance available through a variety of programs, which have been strongly utilized by Oregon renters. In the 2021-23 biennium, the Oregon Emergency Rental Assistance Program (OERAP; funded with federal dollars) disbursed \$505,305,826 to eligible households. The Eviction Prevention Rapid Response Program (EPRR; supported with state funds) distributed \$8,950,000 to households with active eviction cases. The Oregon Eviction Diversion and Prevention Program (ORE-DAP; funded with state dollars) disbursed a total of \$40,552,018 to renters through the network of Community Action Agencies. The State also provided additional funds to Multnomah County (\$8,843,235) and Lane County (\$6,712,253) to be distributed through local service providers. In the 2023-2025 biennium, the State has continued funding for the EPRR and ORE-DAP programs.

Subsidized Housing

Subsidized housing is an essential tool to ensure the availability of affordable housing units. There are 21 public housing authorities across Oregon (see Exhibit A-1 in the appendix for a map), which own public housing properties and/or Low-Income Housing Tax Credit (LIHTC) properties that subsidize rents (and are sometimes managed by a third-party property manager). Public housing authorities also administer Housing Choice Voucher programs, which provide subsidies through long-term rental assistance vouchers that tenants use in the private rental market. In some areas, counties and local nonprofit service providers offer additional subsidized housing units,¹⁴ and therefore the number of available housing subsidies varies across the state. However, in all areas of the state, demand outpaces supply. In July 2023, Multnomah County's housing authority, Home Forward, owned approximately 6,500 public housing and LIHTC units and supported another 9,720 households with Housing Choice Vouchers. Home Forward's voucher waitlist opened for one week in mid-2023, which was the first time it had accepted new applicants since 2016. From the thousands of people who submitted applications while the voucher waitlist was open, Home Forward will use a lottery to select 2,000 households to add to the waitlist.

¹² <https://nlihc.org/oor>

¹³ HUD determines Fair Market Rent amounts annually as basis for payment standards for the Housing Choice Voucher program: <https://www.huduser.gov/portal/datasets/fmr.html#year2022>

¹⁴ For example, in Portland, Central City Concern owns approximately 30 buildings, which include roughly 2,500 units, many of which offer subsidized rent and/or permanent supportive housing for people with mental health or substance use disorders.

Eviction Process: Forcible Entry and Detainer (FED)

In Oregon, evictions follow a multi-step process. (Exhibit 2 on the next page offers a simplified depiction.¹⁵) The process begins when the landlord serves the tenant a termination **notice**. The notice explains the reasons for the eviction (e.g., unpaid rent, conduct-related lease violations such as having an unauthorized pet) and the time period within which the tenant must cure the violation, if cure is possible (e.g., pay the back-owed rent, get rid of the dog). Notice period lengths are established by statute.¹⁶ If the tenant does not correct the problem by the end of the notice period or vacate by the termination date, the landlord may file a **Forcible Entry and Detainer (“FED”) complaint** with the local court. This complaint filing sets the eviction process in motion (a notice alone does not constitute an eviction). Once the complaint is filed, the court will then set a date for a **first appearance hearing**, usually in about 2 weeks, and will send a summons to the tenant to alert them of the hearing date. If the tenant does not attend the first appearance hearing and the landlord attests that the tenant still resides in the unit,¹⁷ the court will order a **default judgment**, which gives the landlord possession of the property and the eviction goes onto the public record. In short, the tenant loses their housing without ever engaging the legal system to tell their side of the story. If the tenant does not move out within the time period given by the court as part of the judgment (usually 4 days), they will be subject to a lockout by the Sheriff.

If the tenant attends the first hearing, the judge will usually encourage the parties to talk and see if they can come to an agreement. If they do, they will enter a **stipulated agreement** into the court record. The agreement may or may not involve the tenant moving, the tenant paying back the rent, or the landlord dismissing the case or making repairs. If the parties do not come to an agreement, then the case is set for **trial**, usually within a couple of weeks. If the case was filed for nonpayment of rent and the tenant pays the amount listed on the termination notice before the trial date, the case will be dismissed and the tenant will retain possession of the property.¹⁸ Otherwise, the case will proceed to trial. At trial, both parties will present their sides of the case and the judge will decide the outcome. If the tenant wins, the case will be dismissed and the tenant will be able to retain possession of the unit. If the landlord wins, the landlord will regain possession of the property and the tenant will have to move out, will owe any outstanding rental debt, and will have an eviction judgment on their record. Typically, the party that loses at trial will have to pay court costs and attorney fees for the opposing party.

After the judgment is issued, either party can appeal the case, requesting another hearing and that a different judge review the (alleged incorrect) application of the law by the lower court and perhaps come to a different decision. Appellate cases are often the vehicles by which statutory law is clarified, which can pave the way for tenant protections to be better articulated in the law and then applied to future cases. Parties whose cases are initially heard in a Justice Court can appeal their case to the County Circuit Court. Those whose cases are initially decided in the County Circuit Court can appeal their case to the appellate court.

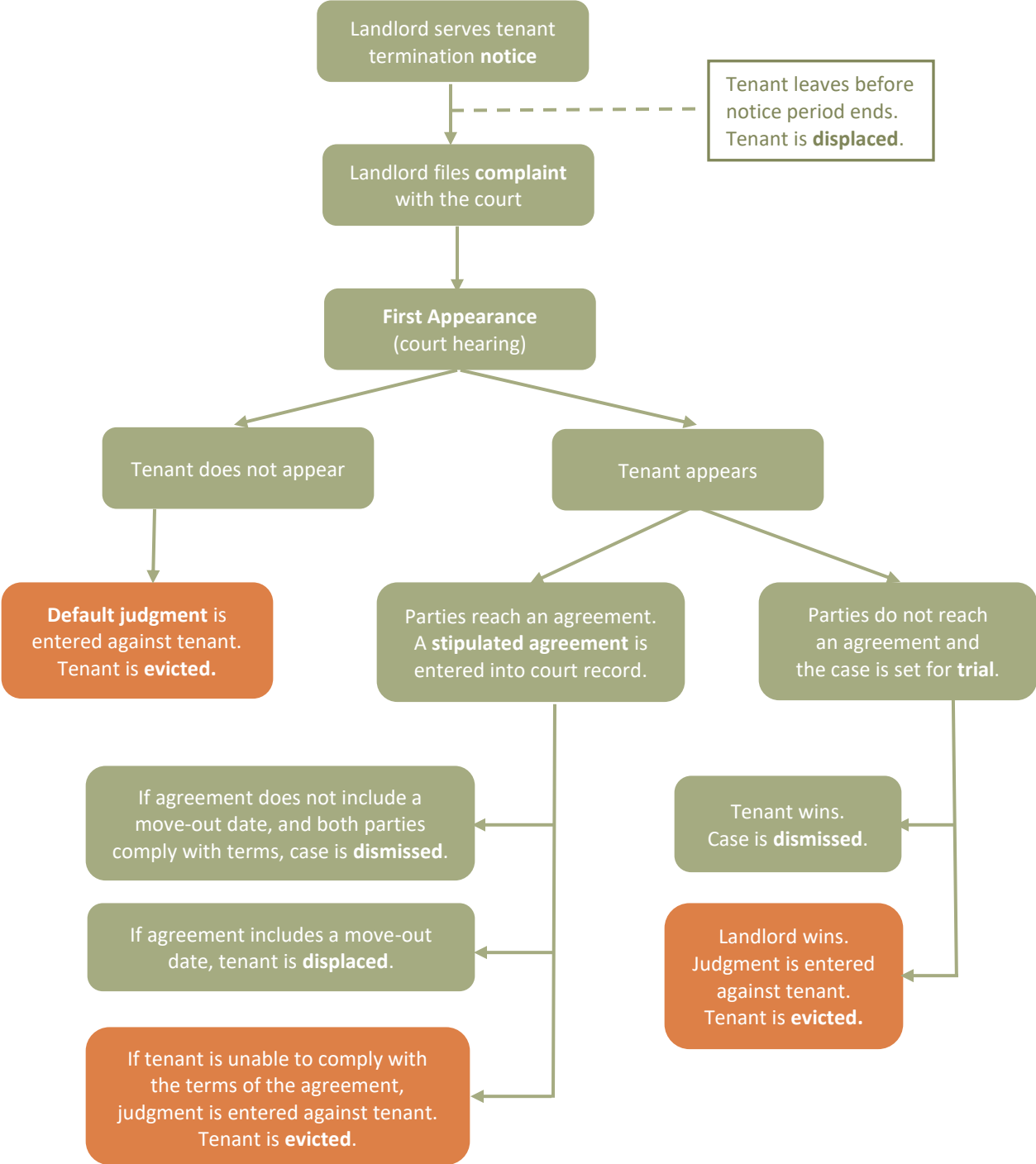
¹⁵ A more detailed graphic of the eviction process can be found here: <https://www.evictedinoregon.com/how-evictions-work>

¹⁶ Notice periods can range from 1 to 90 days. For most conduct-related lease violations, the notice period is 30 days with a 14-day cure period. With the passage of HB2001 in March 2023, the notice period for nonpayment of rent is 10 days.

¹⁷ HB2001 stipulates that, before the court can issue a default judgment, the landlord must formally attest that the tenant is still in possession of the property. If the tenant does not attend the first appearance, but has vacated the unit by the hearing date, the court shall not issue a default judgment.

¹⁸ HB2001 established tenants’ right to redemption in nonpayment cases by paying the rental debt before the trial date.

Exhibit 2. Oregon Eviction (FED) Process



Past 5 Years: Evictions in Oregon from 2018 to 2022

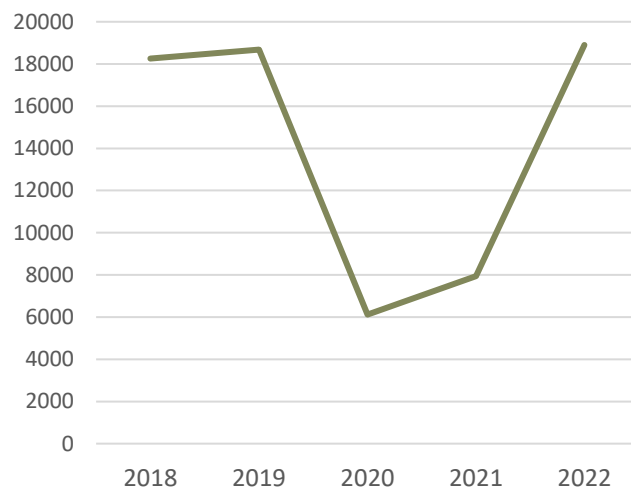
Number of Filings

In 2018, a total of 18,250 eviction cases were filed across Oregon’s County Circuit Courts, and this number remained stable in 2019, with 18,675 filings. In 2020, the number of eviction filings decreased significantly to 6,119, largely due to the eviction moratorium enacted during the COVID-19 pandemic. Oregon’s “safe harbor” period and associated rental assistance stretched into 2022, which kept filings low (7,947) throughout 2021. In 2022, after the safe harbor period ended, eviction filings rebounded to more than pre-pandemic levels, with a total of 18,900 filings across the state. Exhibit 3 illustrates this trajectory. Exhibit A-2 in the appendix shows the number of eviction filings by county.

While the number of eviction filings in court is a key metric, it can underestimate the total number of evictions, because tenants can be displaced before or without a court filing.¹⁹ As shown in Exhibit 2, some tenants move after receiving a termination *notice*. This can happen for many reasons, including an inability to pay the back-owed rent and a lack of knowledge about available rental assistance resources or legal services, fear of having an eviction filing on their record, and fear of the court system. In addition, unlawful evictions can occur in which landlords pressure tenants to leave the property without pursuing the court process.

Importantly, the number of eviction filings as reported in Oregon Judicial Department (OJD) data is also an underestimate of the actual number of complaints filed in the state. This is because, in 14 Oregon counties, eviction cases can (or must) be filed in a Justice of the Peace Court (“Justice Court”),²⁰ and data on Justice Court filings are generally not available.

Exhibit 3. Number of FED Filings Statewide, 2018-2022



Data Source: Oregon Judicial Department.
Note. Data reflects County Circuit Courts only.
Data unavailable for the 14 Justice Courts.

Justice Courts

Justice Courts are independent regional judiciaries and are not part of the state’s unified court system administered by the Oregon Judicial Department. Instead, Justice Courts are overseen locally by county officials. Justice Court proceedings are held by a justice of the peace (not a judge). Justice Courts typically hear cases related to matters such as eviction, small claims, traffic, boating, wildlife, and other violations.

¹⁹ A recent study by the Urban Institute found that, in 2023, an estimated 1 in 5 renters felt pressured to leave their home—that is, “for every eviction filing, nearly 3 additional renters felt pressured to leave their homes”—and 20% of those feeling pressured did actually move. <https://www.urban.org/urban-wire/estimated-one-five-renters-feels-pressured-leave-their-home>

²⁰ **FEDs filed only in Circuit Courts in 22 counties:** Benton, Clatsop, Columbia, Coos, Crook, Curry, Deschutes, Hood River, Jackson, Jefferson, Josephine, Klamath, Lake, Lincoln, Multnomah, Polk, Umatilla, Union, Wallowa, Wasco, Washington, and Yamhill. **FEDs filed in either a Circuit Court or a Justice Court in 8 counties:** Clackamas, Douglas, Lane, Linn, Malheur, Marion, Morrow, and Tillamook. **FEDs filed only in Justice Courts in 6 counties:** Baker, Gilliam, Grant, Harney, Sherman, and Wheeler.

Default Rates

When a case ends with a default judgment, it is essentially an indication that the tenant did not engage the legal system and (often inadvertently or involuntarily) waived their legal rights. High default rates can seem at odds with the civil legal system’s guiding principle of “equal access to justice.” As seen in Exhibit 4, over the last 5 years, roughly 3 out of every 10 FED cases in Oregon have ended in default. This rate has remained fairly stable over time, except for 2020, when pandemic-related tenant protections were in place.

Oregon’s default rates vary widely by county (see Exhibit A-3 in the appendix). In 2022, rates ranged from 17% to more than 40% of tenants defaulting on their cases. By comparison, Washington State’s default rate ranges between 30% and 50% across counties.

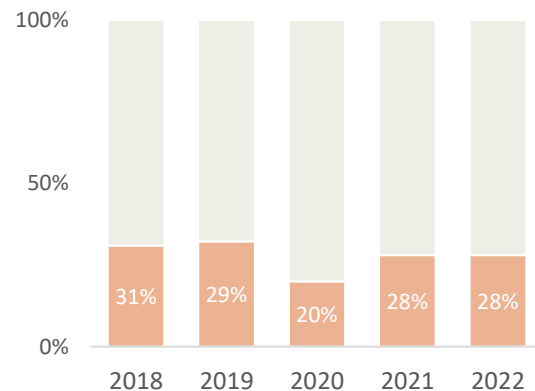
Rates of Legal Representation

As discussed later in this report, legal services for eviction cases can take several forms, from brief legal advice to limited scope assistance to representation by an attorney for the entirety of the case. Representation by an attorney can ensure that tenants seek the full legal remedies available to them and can also help to balance the power dynamics that are inherent to eviction cases.

In Oregon, among tenants who do engage in the legal process, few have an attorney to represent them and many are facing landlords with legal counsel. Before the pandemic, in 2018 and 2019, 4% of tenants were represented by an attorney, contrasted with roughly 30% of landlords. (See Exhibit 5.) Note that these percentages (calculated using OJD data²¹) reflect parties who received representation by an attorney in court. They do not reflect parties who received help with settlement negotiations outside of court. Moreover, these percentages reflect only representation by an attorney and do not include landlords who were represented by non-attorney “agents.”²²

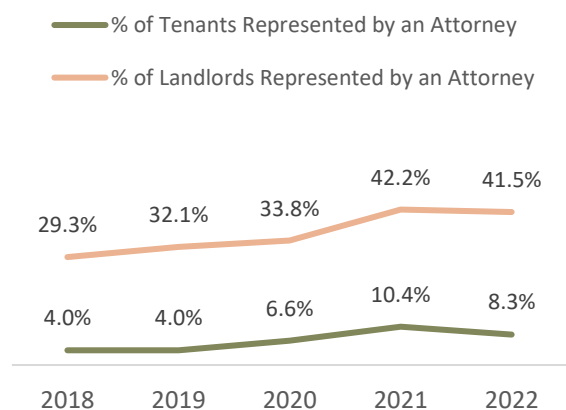
In 2021, when the statewide Eviction Defense Project (EDP; described later in this report) was launched to provide legal assistance to tenants, the percentage of

Exhibit 4. Percent of FED Cases Ended by Default



Data source: Oregon Judicial Department
Note. Data reflect County Circuit Courts (no Justice Courts).

Exhibit 5. Percent of FED Cases with Parties with Legal Representation



Data source: Oregon Judicial Department
Note. Data reflect County Circuit Courts (no Justice Courts).

²¹ OJD data indicate a party as having legal representation (by an attorney) when the attorney files a notice of representation with the court, appears in court on behalf of the party, or is appointed to the case.

²² ORS 90.100 defines a landlord’s agent as “a person who has oral or written authority, either express or implied, to act for or on behalf of a landlord.”

tenants with representation by an attorney grew to more than 10%. Notably, the rate of representation among landlords also increased (42%). In 2022, when the number of filings more than doubled (7,947 in 2021 to 18,900 in 2022), the number of tenants with representation also doubled (712 in 2021 to 1,377 in 2022). However, because the overall number of filings was so high, the percentage of cases with represented tenants decreased slightly to 8%. Again, these percentages are based on data from OJD and reflect the tenants who received representation by an attorney in court and do not include tenants who received legal advice or help with settlement negotiations outside of court.

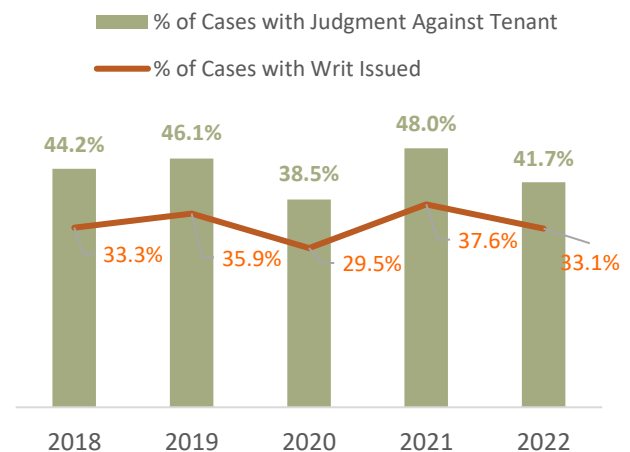
It is worth noting that the rate of legal representation among tenants in Oregon, prior to the EDP (4%), was similar to rates published for other areas. Using data from approximately 30 jurisdictions around the country, the National Coalition for a Civil Right to Counsel²³ (NCCRC) estimates that, on average, 3% of tenants in eviction cases are represented by an attorney. In contrast, the rate of legal representation among landlords in Oregon (30%-42%) is lower than that published for many other areas. The NCCRC estimates that, on average, 83% of landlords in other jurisdictions have legal representation.²⁴

Judgments Against Tenants

During this 5-year period, across the cases that were resolved in County Circuit Courts, just under half ended with a judgment against the tenant (this includes default judgments). As seen in Exhibit 6, about 45% of cases ended with a judgment against the tenant before the pandemic. In 2020, when a moratorium was in place, 39% of cases ended with a judgment against the tenant. In 2021, 48% of cases ended this way, and in 2022, 42% of cases did.

About three-quarters of the cases with a judgment against the tenant ended with the court also issuing a writ of restitution to the landlord. The writ is then executed by the County Sheriff who will remove the tenant from the property and change the locks, if the tenant has not already left. Over the last 5 years, across the state, roughly one third of all eviction cases ended with a writ issued, leaving many tenants at risk of a forcible lockout.

Exhibit 6. Percent of FED Cases with Judgment Against Tenant or Writ Issued



Data source: Oregon Judicial Department
Note. Data reflect County Circuit Courts (no Justice Courts).

²³ http://civilrighttocounsel.org/uploaded_files/280/Landlord_and_tenant_eviction_rep_stats_NCCRC_.pdf

²⁴ Some other jurisdictions have used opposing party representation as a factor for triage protocols or service level decisions. For example, California's Sargent Shriver Civil Right to Counsel Act specifically seeks to address cases with imbalanced representation and, as such, authorizes full legal representation for tenants who are facing landlords with attorneys. Tenants facing unrepresented landlords typically receive unbundled services (e.g., legal advice, self-help assistance, or help negotiating settlement agreements).

Current Snapshot: Evictions in Oregon from July 2022 through June 2023

Data shown in this section reflect evictions during the most recent state fiscal year (July 2022 through June 2023), which includes the period since Oregon’s “safe harbor” policy ended.²⁵ During this 12-month period, a total of 22,340 eviction cases were filed at County Circuit Courts across the state, putting the state on pace to exceed the total number of filings in previous calendar years and to surpass pre-pandemic levels. These figures, combined with the data showing persistent housing cost burden and consequent homelessness risk, highlight the opportunity, and need, for a broad systemic response.

Information presented in this section is drawn from work done by Portland State University’s *Evicted in Oregon* project.²⁶

Eviction Filings by County

Exhibit 7 (next page) shows the number of eviction filings by county from July 2022 through June 2023. The number of filings varied widely across the state, typically in connection with population density—counties with more densely populated metropolitan areas tended to have a higher number of filings as compared to more rural counties with fewer residents. Among counties that only hear eviction cases in Circuit Courts, the total number of filings ranged from 13 in Wallowa County and 21 in Hood River County to 3,429 in Washington County and 8,383 in Multnomah County. Among counties that hear eviction cases in both Circuit Courts and Justice Courts, where only partial counts of filings are possible, the number of filings ranged from 18 in Morrow County to 1,641 in Marion County and 1,902 in Lane County. Exhibit A-4 in the appendix shows all available county-level counts.

Eviction Filings per 100 Rental Units by County

Exhibit 8 shows the number of eviction filings per 100 rental units, by county, from July 2022 through June 2023. Among Circuit Court counties, this rate ranged from 1 filing per 100 rental units in Hood River and Wallowa Counties to 5 filings per 100 rental units in Klamath and Multnomah Counties. Among counties with a Circuit Court and a Justice Court, where counts are partial, this rate ranged from 1 filing per 100 rental units in Clackamas and Tillamook Counties to 4 filings per 100 units in Douglas County. Exhibit A-4 in the appendix shows all available county-level rates.

A Note about Exhibits 7 and 8:

The “Circuit Court Counties” map (left) shows data for the 22 counties in which FED cases are filed only in the County Circuit Court: Benton, Clatsop, Columbia, Coos, Crook, Curry, Deschutes, Hood River, Jackson, Jefferson, Josephine, Klamath, Lake, Lincoln, Multnomah, Polk, Umatilla, Union, Wallowa, Wasco, Washington, and Yamhill. The figure shows the **total number of eviction filings in these counties**.

The “Multiple Court Systems Counties” map (right) shows data for the 8 counties in which FED cases can be filed in either the County Circuit Court or the local Justice Court: Clackamas, Douglas, Lane, Linn, Malheur, Marion, Morrow, and Tillamook. The figure shows a **partial count of the total eviction filings in these counties**, because the number of Justice Court filings is unknown.

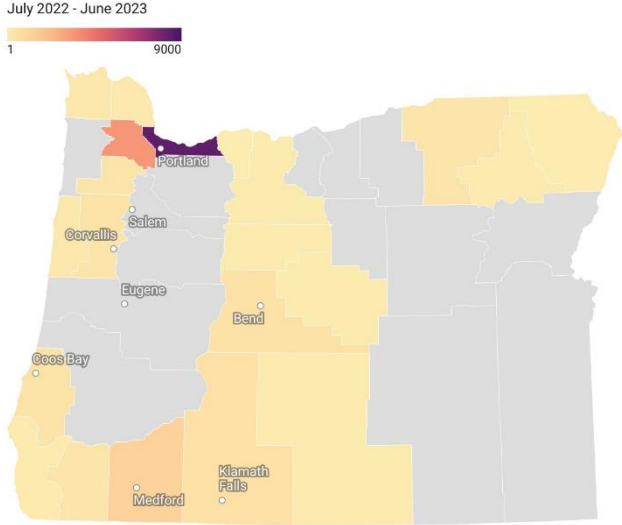
The 6 counties in which FED cases are only filed in a Justice Courts (Baker, Gilliam, Grant, Harney, Sherman, and Wheeler) are not represented in either map because **the number of Justice Court filings is unknown**.

²⁵ Tenants were able to apply for safe harbor protections until June 30, 2022, and they were protected from eviction while their application was in process until September 30, 2022, when all safe harbor protections expired.

²⁶ Statewide eviction data are routinely compiled and reported by the Evicted in Oregon project at Portland State University, led by Professor Lisa Bates. <https://www.evictedinoregon.com/statewide-latest-eviction-data>

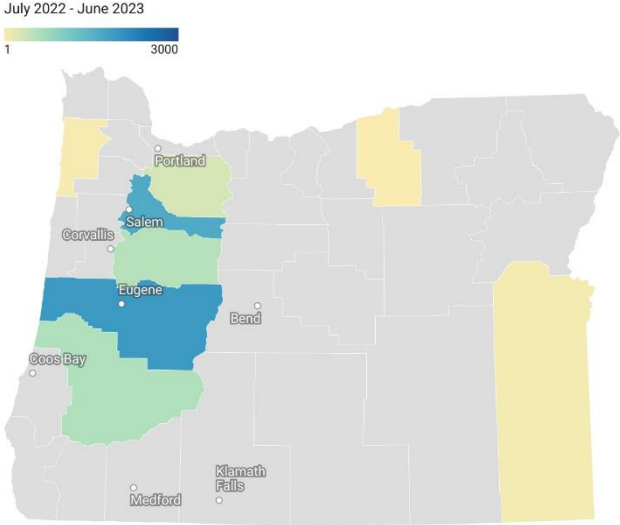
Exhibit 7. Number of Eviction Filings by County, July 2022 through June 2023

Circuit Court Counties: Eviction Filings



For the most recent twelve months that data is available
Includes data from cases filed in circuit courts only
As of July 15, 2023.
Map: Evicted in Oregon • Source: Oregon Judicial Department's court records • Created with Datawrapper

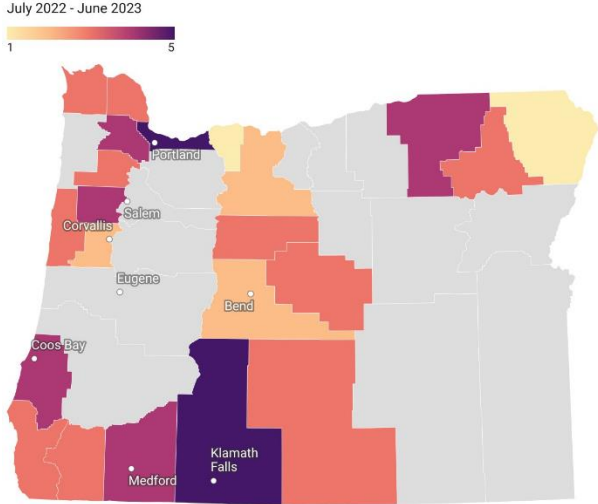
Multiple Court-Systems Counties: Eviction Filings



For the most recent twelve months that data is available
Includes data from cases filed in circuit courts only, but the county has separate Justice of Peace Courts
As of July 15, 2023.
Map: Evicted in Oregon • Source: Oregon Judicial Department's court records • Created with Datawrapper

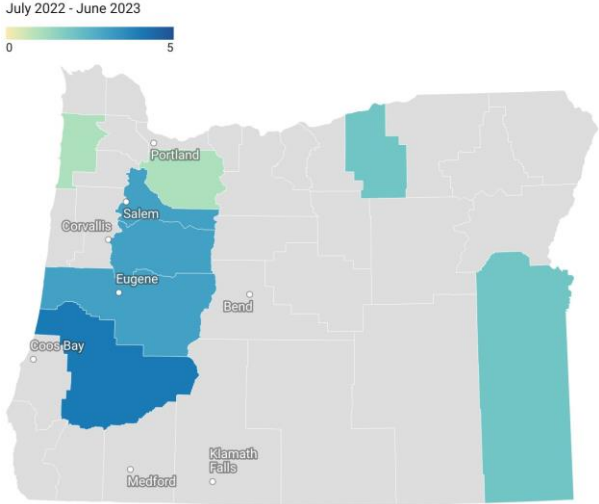
Exhibit 8. Number of Eviction Filings per 100 Renter Households, July 2022 through June 2023

Circuit Court Counties: Eviction Filings per 100 Rental Units



For the most recent twelve months that data is available
Includes data from cases filed in circuit courts only
As of July 15, 2023.
Map: Evicted in Oregon • Source: Oregon Judicial Department's court records • Created with Datawrapper

Multiple Court-Systems Counties: Eviction Filings per 100 Rental Units



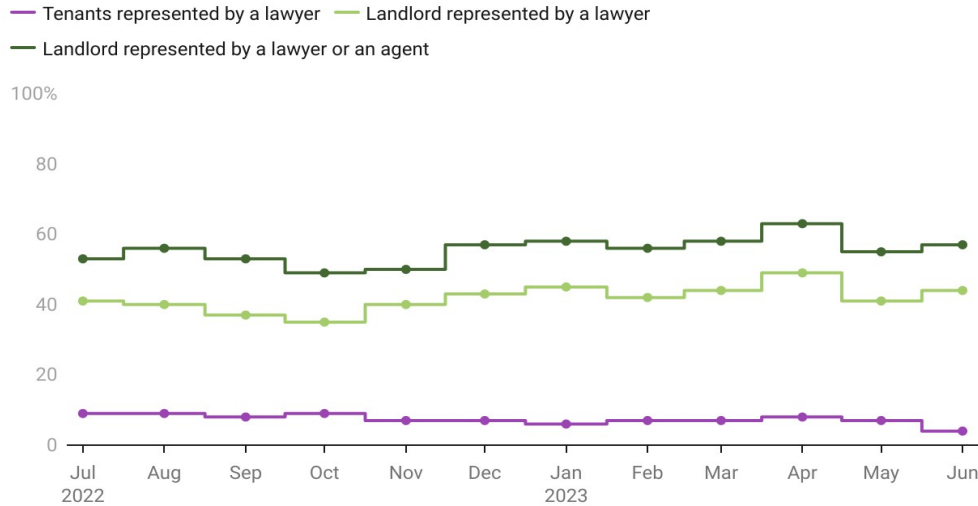
For the most recent twelve months that data is available
Includes data from cases filed in circuit courts only, but the county has separate Justice of Peace Courts
As of July 15, 2023.
Map: Evicted in Oregon • Source: Oregon Judicial Department's court records • Created with Datawrapper

Note. County-level counts are listed in Exhibit A-4 in the appendix.
Data unavailable for Baker, Gilliam, Grant, Harney, Sherman, and Wheeler Counties where FEDs are filed only in Justice Courts.

Rates of Legal Representation

Exhibit 9 shows the percentage of tenants and landlords, across the state’s Circuit Courts from July 2022 through June 2023, who had representation during their eviction proceeding. Consistent with earlier years (data shown in the previous section), roughly 8% of tenants had a lawyer represent them in court, contrasted with about 40% of landlords. An additional 10% to 15% of landlords were represented by an agent. While agents are not attorneys, they are empowered by Oregon statute to act on behalf of the landlord, bringing their experience and authority to the landlord’s side of the case. Notably, the rates of landlord representation vary widely by county, from roughly 25% to 75% across the state.²⁷

Exhibit 9. Rates of Legal Representation, July 2022 to June 2023

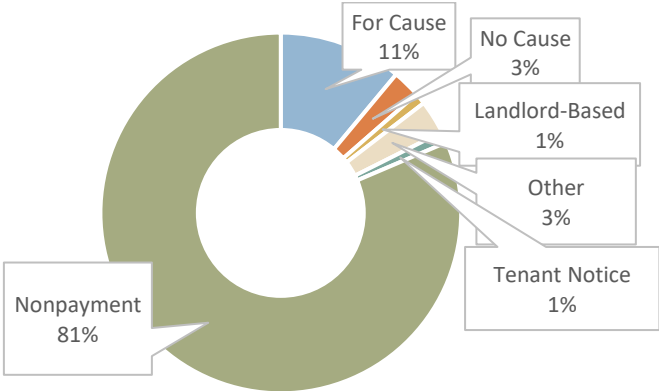


Not all counties document agents in the court record, therefore this chart undercounts the rate at which landlords use agents in court. For the most recent twelve months that data is available Includes data from cases filed in circuit courts only As of July 15, 2023.

Reason for Eviction Filings

Exhibit 10 shows the percentages of eviction cases filed for different reasons. Notably, from July 2022 through June 2023, 81% of eviction cases were filed for nonpayment of rent. Eleven percent were filed for cause (i.e., lease violation other than nonpayment). A small number of filings cited no cause (3%), a landlord-based reason (1%), or another reason (3%).

Exhibit 10. Reason for FED Filings, July 2022 to June 2023



Note. This information is gathered via manual document review by EDP attorneys and shared with PSU.

²⁷ PSU’s Evicted in Oregon project provides updated county level representation rates: https://www.evictedinoregon.com/disparity-in-legal-representation

Eviction Defense Service Continuum Components

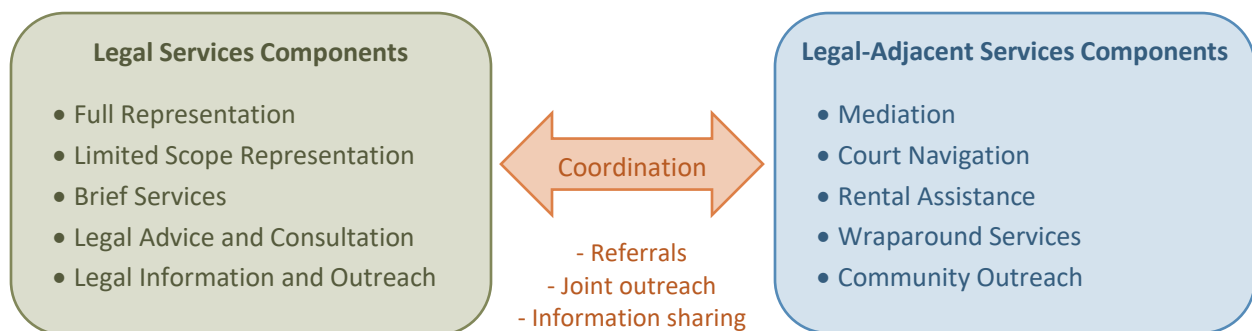
Eviction defense is more than representation in the courtroom. Done well, it entails a continuum of services to meet a variety of tenant needs and to leverage limited, costly attorney resources appropriately. It engages system and community partners at key stages to coordinate the delivery of legal and critical legal-adjacent services to best support tenants' housing stability. Robust eviction defense services have a range of benefits, including keeping tenants in their homes whenever possible, negotiating "soft landings" for tenants who move, and fostering a more equitable balance of power in landlord-tenant court and the eviction process.

A comprehensive eviction defense service continuum is client-centered and involves a spectrum of available interventions, including direct legal services, early diversion programs, community education and outreach, and ancillary assistance to support household stabilization. This range of services implicates a diversity of providers and system partners, such as:

- Non-profit legal services providers, including attorneys, paralegals, and administrative staff
- Private attorneys, including those who will work pro bono, at reduced rates, and at full rates
- Licensed paralegals²⁸
- Landlord-tenant courts, including both County Circuit Courts and Justice Courts
- Community-based organizations (CBO), culturally specific organizations (CSO), and social service organizations that assist tenants with other needs (e.g., utilities, food, domestic violence)
- Community Action Agencies (CAA)
- Tenant organizations, alliances, and organizers
- Housing providers, including landlords, property managers, and housing authorities
- Mediation and alternative dispute resolution service providers
- Rental assistance providers, including those at the state and local levels

Exhibit 11 offers a list of components entailed in a comprehensive eviction defense services continuum—importantly, this continuum includes both **legal services** and **legal-adjacent services** and highlights some important points of **coordination** between the two. On the next page, Exhibit 12 defines each service component and notes the service provider(s) who may be best positioned to provide it. This list is not exhaustive, and depending on the local context, different jurisdictions may benefit from some components over others or have alternative providers who would better match the task.

Exhibit 11. Components of a Comprehensive Eviction Defense Services Continuum



²⁸ Paralegals provide legal support. Licensed paralegals can provide legal advice and other services in certain circumstances. Oregon's Licensed Paralegal Program will begin licensing people in January 2024. <https://www.osbar.org/lp/about.html>

Exhibit 12. Definitions of Service Continuum Components

| Service/Activity | Definition | Who can do it? |
|---|--|--|
| Full Representation | Representing the tenant for the duration of the case; may involve negotiation, litigation, or other advocacy; becoming attorney of record | Attorneys |
| Limited Scope Representation | Action on behalf of the tenant, but limited in scope and less than full representation; may include court appearance | Attorneys, licensed paralegals (LPs no court appearance) |
| Brief Services | Brief action on behalf of the tenant, such as drafting a letter or making a phone call; typically not more than 2-3 hours of time; no court appearance | Attorneys, licensed paralegals |
| Legal Advice | Legal information and a recommendation for a course of action for the specific case, but no action on behalf of the tenant | Attorneys, licensed paralegals |
| Legal Information and Outreach | General information regarding legal rights and responsibilities; explanation of options (but not specific legal advice); help with forms | Attorneys, licensed paralegals, court staff, trained community advocates |
| Mediation / Alternative Dispute Resolution | Facilitation of a discussion between the parties to determine elements of a mutually agreeable solution to resolve the matter | Court-based mediators, community-based mediators (staff, volunteer) |
| Court Navigation | General guidance and support regarding the court process and procedures | CBOs, CSOs, CAAs, court staff, licensed paralegals |
| Rental Assistance | Provision of financial resources to cover tenants' rental debt and related costs | CAAs, CBOs, CSOs |
| Wraparound Services | Non-legal services that support housing stabilization, such as housing navigation and assistance with utilities, food, employment, and childcare | CBOs, CSOs, CAAs |

When determining the elements of the service continuum and how best to deploy them, it is important to consider **when** in the eviction process the service is most appropriate or likely to be most impactful and **who** in the system is best positioned to provide the service.

Earlier intervention is better. When service providers connect with tenants before an eviction complaint is filed, they can assist in resolving the issue (e.g., obtaining emergency rental assistance to pay off rental debt, using mediation to find a mutually agreeable plan to clean up the yard) and potentially divert tenants from court altogether. This type of early intervention can avoid an eviction filing on the public record, which can be an impediment for tenants to find new housing, and can spare the tenant the stressful experience of a court appearance. It can also save time and resources for landlords, especially smaller landlords for whom paying filing fees or attorney fees can be challenging.

While service providers note the benefits of early intervention, they also acknowledge that services often do not play out this way in practice. Because demand for services exceeds the available resources, providers often triage tenants who present for assistance according to need and urgency. In doing so, service providers

(both legal and non-legal) typically, and understandably, prioritize people who are most at risk of losing their homes—i.e., those with active court cases and imminent hearing dates—and delay helping people who have more time before their situation becomes critical. This type of triage inadvertently reinforces a system that serves tenants later in their cases, keeps staff in crisis mode, and reduces the capacity for early intervention. Shifting the system to emphasize early intervention will require the intentional allocation of resources to support services that are available at the first signs of tenant hardship, but doing so without taking resources away from the crisis intervention services needed help to tenants who are on the cusp on losing their homes.

Early contact requires coordination between legal services and non-legal community partners.²⁹ Services that intentionally target tenants who are “pre-filing” (i.e., those who are at risk of eviction but whose landlords have not yet filed a complaint with the court) are necessary to stem the tide of eviction filings. Because attorneys tend to encounter people once the legal process has begun, reaching people earlier requires partnerships with organizations in the community that are in touch with tenants before the court process starts. Staff at community-based organizations, culturally specific organizations, and tenant-serving organizations are likely in the best position to connect with tenants who are pre-filing and showing early signs of risk and to provide either the needed service (e.g., rental assistance) or an appropriate referral.

Strategically engaging a diversity of service providers supports better leveraging of resources. A robust service continuum involves a multi-disciplinary set of service providers, each with different skillsets, expertise, resources, and reach. An effective service continuum allocates tasks to providers that best match their capacity and maximizes the use of available resources. In healthcare systems, practitioners are expected to “work at the top of their license,” which means that staff with more training are expected to do the tasks that require higher levels of training, and those with less training do the tasks that require less. In an eviction defense service context, this translates to ensuring that attorneys and paralegals spend their time on legal tasks, while other tasks that do not require legal training (e.g., completing rental assistance applications) are completed by non-legal staff. This manner of task allocation will ensure that the available resources are most effectively leveraged and that attorney time is maximally used for tenants’ legal needs.

A multi-service and multi-provider system works best with a strong triage protocol.³⁰ A comprehensive service continuum involves multiple partners providing a variety of services, with the goal of coordinating these services to ensure that tenants are connected with the services that are most appropriate for their circumstances, while best leveraging each provider’s skills and resources. Helping tenants navigate this system—quickly connecting them with the service they need and for which they are eligible—will require an intake system that (1) conducts a thorough assessment of each tenant’s circumstances to discern the types of service(s) needed and (2) involves detailed mapping of the various service pathways within the system. For the triage to be effective, staff conducting intake must have a strong and current understanding of the legal and legal-adjacent services available and be able to clearly outline the pathway for the tenant to access them. Ideally, staff are able to make warm handoff referrals and coordinate services across organizations. Implementing effective triage early in the process will reduce stress for the tenant, reduce duplication of effort among providers, and maximize efficiency in the system.

²⁹ This principle aligns with the “Community Integration” component of the Justice for All (JFA) framework established by the National Center for State Courts to support access to justice: <https://www.ncsc.org/jfa/guidance-and-tools/jfa-components>

³⁰ The importance of effective triage and ensuring that there is “no wrong door” to reach legal services is highlighted in the “Triage and Referral” component of the JFA framework, linked above.

Oregon Programs Supporting Eviction Defense Services

Prior to the COVID-19 pandemic, scant resources existed for tenants in eviction cases. Legal information about the FED process was available online and through tenant organizations such as Community Alliance of Tenants, but legal services providers across the state handled very few eviction cases, leaving tenants with sparse options to receive legal advice or representation in court. Even fewer private attorneys served tenants, though some served landlords, contributing to the imbalance in representation evident in many eviction cases. In addition, funds for emergency rental assistance were minimal.

This changed during the pandemic, when policymakers and systems leaders recognized COVID-19's financial toll on tenants, and by extension landlords, and the looming crisis of increased homelessness if something was not done to stabilize housing for large numbers of renters across the state. In 2021, new streams of funding began to support eviction defense services and rental assistance. The State, through Oregon Housing and Community Services (OHCS), allocated funding for a statewide Eviction Defense Project (EDP), and both Multnomah County and the City of Portland's Housing Bureau funded local efforts. These funds put a more systemic eviction defense response into motion. These current efforts involve (but do not necessarily fund) all of the legal services providers in the state that provide eviction defense services:

- Oregon Law Center (OLC)
- Legal Aid Services of Oregon (LASO)
- Center for NonProfit Legal Services (CNPLS)
- Metropolitan Public Defender (MPD)
- PCC Clear Clinic (PCC)
- The Commons Law Center (Commons)

Current legal and legal-adjacent programs are described in more detail below. Table A-5 in the Appendix provides a brief summary of each program.

Statewide Eviction Defense Project (EDP)

The EDP is a partnership between Oregon Law Center (OLC) and Legal Aid Services of Oregon (LASO) that provides free legal services to eligible tenants. In total, the project includes 21 FTE of attorney time, 7 FTE among paralegals, and one full-time social worker. The attorney FTE includes 3 supervising attorneys who manage the project and 18 staff attorneys who handle cases around the state.³¹ Of these 18 "EDP attorneys," several are embedded in a regional office of OLC, LASO or CNPLS, and some are satellite attorneys.

Through the EDP, OLC established and operates a centralized intake line that is staffed by 7 paralegals and fields calls from tenants across the state. An online web intake is also available.³² The centralized intake is the primary source of case referrals for the project. When calls come through, paralegals screen callers for eligibility. To be eligible for services from an EDP attorney, tenants must have a household income of not more than 125% of the Federal Poverty Level³³ (FPL), must have an active case (an FED complaint has been filed with the court), and must contact the EDP with enough lead time before their first appearance or trial for the attorney to prepare. EDP attorneys do not serve tenants in the notice stage of their case. Beginning in

³¹ The 3 supervising attorneys are from OLC. The 18 EDP attorneys are from OLC (12), LASO (5), and CNPLS (1).

³² <https://oregonlawcenter.org/eviction-defense-project/>

³³ In 2022, for a family of 4 people, the Federal Poverty Level was \$27,750 and 125% of FPL was \$34,688. See <https://aspe.hhs.gov/topics/poverty-economic-mobility/poverty-guidelines>

December 2022, tenants with cases that are solely about nonpayment of rent and are assessed to lack any legal defenses (“straight nonpayment cases”) are no longer eligible for EDP legal services. Paralegals refer these tenants to the state’s rental assistance provider (Eviction Prevention Rapid Response program; see below) and give them a list of private attorneys, the number for their local Community Action Agency (CAA), and handouts that explain the court process for eviction cases. During the initial intake and case assignment process, if a caller is eligible for services but assessed to have a case that lacks legal defenses, the EDP case assignment supervisor will call the tenant, provide legal advice, and close the case. EDP managers intend for all tenants who call the hotline and meet the program eligibility criteria to receive at least legal advice.

When EDP attorneys cannot help the tenant due to capacity or income eligibility, the paralegals operating the EDP hotline will facilitate referrals to other legal services providers where they exist—namely, in Multnomah County and the City of Portland (see below; these local governments also provide funding for some EDP staff). In particular, if the tenant resides in Multnomah County and the local EDP attorney is at capacity or the tenant is above the EDP income eligibility threshold or in the notice stage (a complaint has not been filed), then the tenant is referred to Metropolitan Public Defender (MPD), which serves tenants with incomes up to 80% of the Area Median Income³⁴ (AMI). If the case is in the City of Portland and is in the notice stage, then the tenant is referred to the PCC Clear Clinic, which serves tenants with incomes up to 80% AMI.

Once the paralegal establishes a tenant’s eligibility for EDP services, they forward the case to the EDP assignment supervisor who decides where to place the case. It is first referred to the EDP attorney in the relevant county. If the local EDP attorney cannot take it, then it is referred to the regional OLC or LASO office. If the regional office cannot take the case, it is referred to a satellite EDP attorney. (Placement with non-local satellite attorneys is possible when court proceedings are held virtually.) Once a case is assigned to an attorney, the attorney conducts a more thorough intake with the tenant and determines the appropriate level of legal service. Most, but not all, cases will receive representation. In some instances, a less intensive level of service may be warranted. An EDP supervising attorney meets with EDP line attorneys weekly to review cases, discuss case strategy, and provide guidance.

Of the EDP staff, 17 attorneys and 4 paralegals are funded through a grant from OHCS and serve tenants statewide. In addition, Multnomah County funds 2 attorneys and 1 paralegal and the Portland Housing Bureau funds 2 attorneys and 2 paralegals, and these attorneys only serve cases in Multnomah County and/or Portland. The EDP started in February 2021. OHCS initially funded the EDP with \$776,500 in the 2021-23 biennium and has allocated \$3,500,000 for the program in the 2023-25 biennium. (See explanation of the other two funding streams below.)

Multnomah County Eviction Defense Funding

In 2021, Multnomah County provided funds for eviction defense legal services to OLC and MPD to provide legal assistance for county residents facing eviction. These funds paid for 3.5 attorney FTE [1.5 FTE at MPD and 2 FTE at OLC (included in the EDP attorney FTE mentioned above)], a paralegal at OLC (included in the EDP paralegal FTE mentioned above), a legal assistant at MPD, and a small pot of rental assistance money (\$40,000) for MPD attorneys to use in settlement negotiations. Funds were also provided to 211 for community referral and to Bienestar de la Familia Social Services for emergency rental assistance distribution and community outreach. The original intention of the partnership was for OLC to handle active cases and

³⁴ Area Median Income varies by county. In 2021, 80% AMI for a family of 4 people in Multnomah County was \$77,350. <https://www.oregon.gov/ohcs/housing-assistance/Documents/05-13-2021-OERAP-AMI-chart.pdf>

MPD to handle cases that were in the notice stage, although MPD handles both notice and active cases due to the large number of referrals. As part of this project, OLC maintains an income eligibility threshold of 125% FPL, takes active cases, and does not serve straight nonpayment cases. MPD uses an income eligibility threshold of 80% AMI, serves notice and active cases, and assists tenants with nonpayment cases. (MPD attorneys will not represent tenants with straight nonpayment cases at trial, but will help tenants in these cases negotiate with the landlord and apply for rental assistance to reach a stipulated agreement.) Referrals most often come through the EDP's centralized intake line, but tenants also connect with services via 211, Bienestar, Home Forward, case managers at community organizations, and sometimes self-referrals.

Services began in July 2021 and County funding has been renewed through June 2024.

City of Portland Eviction Legal Defense (ELD) Project

The City of Portland, through the Portland Housing Bureau, funds the ELD project to provide legal services and emergency rental assistance to Portland residents. This project is a partnership between three legal services providers (OLC, MPD, and PCC Clear Clinic) and United Way of the Columbia-Willamette as the rental assistance provider. These funds paid for 5.5 attorney FTE [2 FTE at OLC (included in EDP attorney FTE stated above), 2 FTE at MPD, and 1.5 FTE at PCC] and two paralegals at OLC (included in the EDP paralegal FTE stated above). The original program design was for OLC to handle active cases and PCC Clear Clinic to handle notice cases, but the volume of referrals required another provider and MPD was brought in to handle the overflow. PCC Clear Clinic handles notice cases (but will provide representation for tenants in cases that are subsequently filed) that pertain to nonpayment of rent, and they also provide field training for paralegals and law students from Lewis and Clark Law School. As part of this project, OLC maintains an income eligibility threshold of 125% FPL, handles active cases, and does not take straight nonpayment cases. PCC Clear Clinic and MPD maintain an income eligibility threshold of 80% AMI, handle both notice stage and active cases, and will assist tenants with straight nonpayment cases. Most referrals come through the EDP's centralized intake line, although recently United Way of the Columbia-Willamette has undertaken some targeted outreach for tenants from marginalized groups and referred them to PCC for assistance. An ongoing dashboard of people served is available through the Portland Housing Bureau.³⁵

This program started in February 2021 (PCC's services began in March 2022 and MPD's began in August 2022) using ARPA funds, and City funding has been renewed until July 2024, using Rental Registry funds.

Day-of-Court Services at Multnomah County Circuit Court and Clackamas County Justice Court (Pilot Projects)

In April 2023, staff from The Commons Law Center (typically one attorney and one student clerk or paralegal) began attending the eviction docket at the Multnomah County Circuit Court (4 days per week) and the Clackamas County Justice Court (1 day per week) to provide same-day legal assistance to unrepresented tenants at their first appearance. The Commons attorney provides legal advice to tenants and helps them negotiate directly with the landlord attorneys or agents. The Commons uses an income eligibility threshold of 400% FPL and assists tenants with nonpayment and other cases.

In Multnomah County, The Commons staff collaborate with staff from Bienestar de la Familia, a local rental assistance provider which also attends the morning eviction docket, to connect tenants with rental assistance and aid in settlement negotiations. The pilot project in Clackamas County ended in late August. Over 5

³⁵ <https://public.tableau.com/app/profile/portland.housing.bureau/viz/EvictionLegalDefenseDashboard/ELDDashboard>

months, The Commons collaborated with the local mediation provider, Clackamas County Resolution Services, which also began provided day-of, on-site services for parties on the eviction docket.

The Multnomah County pilot project is ongoing and currently receives no public funding.

OLC and LASO Regional Offices

In addition to EDP attorneys, staff attorneys in the regional offices of OLC and LASO can also handle eviction cases filed in their local jurisdictions. OLC and LASO collaborate to provide legal services coverage for all counties in Oregon (except for Jackson County, which is served by CNPLS; see below). Specifically, OLC has 9 regional offices that handle eviction cases: Coos Bay, Grants Pass, Hillsboro, Lane, McMinnville, Portland, Ontario, Salem, and St. Helens. LASO has 8 regional offices that handle eviction cases: Albany, Central Oregon, Douglas, Klamath Falls, Lincoln, Pendleton, Portland, and Salem. Historically, regional offices have handled very few eviction cases. The few that were taken tended to involve the potential loss of a housing subsidy, a very vulnerable tenant, or situations that involve mass displacement. Creation of the EDP hotline and integration of EDP attorneys into regional offices has led to an additional avenue of case referrals, particularly as some regional offices will sometimes take eviction cases in the notice stage. When regional office attorneys handle eviction cases, this work is usually supported by the general funding for the office.

LASO's Housing Notice Clinic

LASO recruits, trains, and manages a panel of pro bono attorneys to staff its housing clinic, which is an ongoing referral pipeline (not an in-person clinic) that provides legal help to low-income tenants who have received a termination notice. When a tenant presents at a LASO regional office during the notice stage of their case, the regional office staff will screen the tenant for eligibility—specifically, having a written termination notice and a household income less than 125% FPL—and then can refer the case to LASO's statewide pro bono services manager, who will review the case and, if appropriate, refer it to a pro bono attorney on the housing panel. Most often, the pro bono attorney will review the notice for validity and advise the tenant on how to challenge a defective notice, although more extensive services are also possible. The clinic started in 2018 and was re-launched in 2019 with additional housing law trainings for volunteer attorneys. It served tenants residing in the Portland Metro Area until 2021, when it was expanded to receive referrals from any LASO regional office in the state.

Center for NonProfit Legal Services (Jackson County)

The Center for NonProfit Legal Services (CNPLS) coordinates with OLC and LASO and focuses its services solely on Jackson County. Like the regional offices of OLC and LASO, CNPLS attorneys have historically handled very few eviction cases. When they do, this work is supported by the general funding for the organization. Currently, the EDP hotline refers eviction cases in Jackson County to CNPLS, and when the CNPLS housing attorney reaches capacity, a satellite EDP attorney handles the cases.

OSB's Lawyer Referral Service

Oregon State Bar's (OSB) Lawyer Referral Service fields calls and email requests from Oregonians looking for a private attorney to assist them with a legal issue. The service screens callers and refers them to an attorney who handles the appropriate case type and is geographically closest. In 2022, the Lawyer Referral Service fielded nearly 100,000 requests for service (87,000 phone calls and 10,000 email requests). Of these, 52,000 referrals were placed. (Referrals are often not placed because the caller is eligible for free services from a

legal aid program or because the caller’s issue is not legal in nature.) Of the referrals placed in 2022, roughly 5,000 pertained to landlord-tenant matters, which was an increase from the year before (3,500).³⁶

OSB’s Modest Means Program

Of the nearly 100,000 people who contacted the OSB’s Lawyer Referral Service in 2022, about 30,000 hoped to qualify for the Modest Means program, which provides reduced-cost legal services for criminal defense, family law, and housing matters to people with modest incomes. Originally, this program served people with household incomes up to 225% FPL. In 2022, a grant from OHCS expanded the available resources, enabling the income eligibility for housing matters to be increased to serve tenants with incomes up to 400% FPL.³⁷

OHCS funding, totaling \$140,995, will end in December 2023. In 2024, OSB will continue to operate the Modest Means Program, although the eligibility criteria may change to accommodate available resources.

OSB’s Free Legal Answers Program

Oregon’s Free Legal Answers program is designed to provide easy online legal advice to people with incomes up to 400% FPL. People can visit the website and submit a written legal question, and the program aims to have a volunteer attorney provide a written answer within 10 days. The person can ask one follow-up question for the attorney to answer. OSB launched Free Legal Answers for housing matters in October 2022. As of April 2023, there were 68 pro bono attorneys available to review and answer questions. Roughly half of these attorneys are from Multnomah County and the other half are from other counties across the state. (The program has since launched for other legal areas, such as family law, immigration, and consumer law.)

Community Alliance of Tenants (CAT)

The Community Alliance of Tenants (CAT) is a grassroots, tenant-controlled, tenant rights organization that serves tenants across the state. CAT focuses on tenant education, tenant advocacy, and tenant organizing. Its tenant education efforts include a wide range of activities to provide legal information and support to tenants, including hosting the Renter’s Rights hotline, conducting community workshops and webinars, and creating and distributing renter (“Know Your Rights”) brochures. CAT does not provide legal advice or representation, but partners with private attorneys and legal aid providers to whom it refers tenants. For instance, with a grant from the City of Portland, and in partnership with the Immigrant and Refugee Community Organization (IRCO), the Asian Pacific American Network of Oregon (APANO), and the Self Enhancement Institute (SEI), CAT created the Tenant Protections Team to provide streamlined referrals for legal assistance to tenants of color and those from historically marginalized populations who face heightened eviction risk. Through this program, clients of the partner organizations who are Portland residents can be connected with up to 3 hours of free legal assistance from a private attorney.

CAT is funded by multiple sources, including grants from the City of Portland and OHCS. In the 2021-23 biennium, OHCS awarded CAT \$2,500,000 (federal and state dollars) and, in the 2023-25 biennium, renewed this investment of \$2,200,000 (state funds).

³⁶ Data provided by the Lawyer Referral Service manager at the Oregon State Bar.

³⁷ Attorneys’ hourly rates are tiered, based on tenant income. For tenants with incomes up to 200% FPL, the rate is \$60/hour. For those with incomes between 200% and 300% FPL, the rate is \$80/hour. For those with incomes between 300% and 400% FPL, the rate is \$100/hour.

Springfield-Eugene Tenant Association (SETA)

The Springfield-Eugene Tenant Association (SETA) is a local tenant rights organization that serves renters in the Lane County area. SETA focuses on assisting, educating, and empowering tenants through a variety of offerings, such as operating a free hotline and ongoing provision of up-to-date information for renters. SETA aims to serve as a resource and information hub, educating tenants about their rights and providing useful resources and information to renters at risk of eviction. SETA also advocates for renters' needs with state and local partners, highlighting local data to support access to affordable housing.

SETA is funded by multiple sources. In the 2021-23 biennium, OHCS awarded SETA \$305,000 and, in the 2023-25 biennium, renewed this investment of \$300,000 (state funds).

Online Sources of Legal Information

As of July 2023, legal information was available online in multiple places, including:

- **Oregon Law Help** (www.oregonlawhelp.org), maintained by LASO, offers landlord-tenant legal information that primarily applies to low-income tenants. This includes the Oregon Renters' Rights website (www.oregonrentersrights.org), which offers detailed self-help guides for a range of topics related to renting, including eviction.
- **Oregon State Bar Legal information Topics** (www.osbar.org/public/legalinfo/landlordtenant.html) offers information for renters and landlords.
- **Oregon Judicial Branch website** (www.courts.oregon.gov/help/Pages/landlord-tenant.aspx) offers links to court forms and information about the court process for tenants and landlords.
- **Portland Housing Bureau's Rental Services Office website** (www.portland.gov/phb/rental-services) offers information for landlords and tenants in the City of Portland.

Importantly, in Fall 2023, the primary legal information websites (most of the list above) will be consolidated and streamlined into a single website maintained by the OSB.³⁸ This new website, a significantly redesigned Oregon Law Help portal, aims to increase accessibility by incorporating easily navigable pathways and using plain language to help users find relevant legal information and locate contact information for legal services programs for which they are eligible.

Mediation Programs

Several mediation programs exist across the state, but they vary in terms of the host organization, the extent to which they are affiliated with the local court, the point at which they connect with parties during the eviction proceeding, the training and experience of the mediator, and whether mediation is connected to any other ancillary supportive services. Information from OJD indicates that 11 County Circuit Courts have an affiliated mediation program for eviction cases. Some of these programs are managed by the court and some are run by community-based organizations. While some mediators are staff, and many are volunteers.

In 2022, OHCS funded the Eviction Prevention Mediation Demonstration Program and administered the program in partnership with the Oregon Office for Community Dispute Resolution. Five community dispute resolution centers (CDRC) were funded: Beaverton Center for Mediation and Dialogue (Washington County), Clackamas County Resolution Services (Clackamas County), Neighbor-2-Neighbor (Marion, Linn, Benton, Lincoln Counties), Six Rivers Dispute Resolution Center (Hood River, Wasco, Sherman, Gilliam, Wheeler

³⁸ The Oregon Law Help redesign is a collaboration between the Oregon State Bar, Oregon Judicial Department, Legal Aid Services of Oregon, Oregon Law Center, Oregon Law Foundation, and Oregon Consumer Justice.

Counties), and Resolve (Jackson and Josephine Counties). The program offered free conciliation or mediation (when both parties participated) and free conflict coaching (when only one party sought help) for disputes between renters and housing providers. Each resolution center developed its own local approach—for example, some focused on reaching tenants in the notice stage, some developed partnerships with the local court, and some collaborated with other local partners, and all of them offered a specially designed housing law training for mediators. The grant program emphasized coordinating mediation with other supportive services (e.g., rental assistance) to support resolution.

OHCS funded the demonstration program in the 2021-23 biennium (the program ran from July 2022 through June 2023) with a total investment of \$1,250,000. Funding was not renewed for the 2023-25 biennium.

Emergency Rental Assistance Programs

Emergency rental assistance funded by OHCS has been made available through multiple statewide programs since 2021. Each of these programs has unique eligibility criteria and parameters regarding the total amount of assistance that can be disbursed and for what purpose (e.g., rent arrears, utility costs, future rent).

- **Oregon Emergency Rental Assistance Program (OERAP).** This program, funded with federal dollars, was created to address the financial toll of the COVID-19 pandemic and consequent rent crisis. Tenants were eligible if they had a household income of not more than 80% AMI, although priority was given to households at or below 50% AMI. It started in May 2021 and ended in December 2022. While in operation, it paid out \$505,305,826.
- **Eviction Prevention Rapid Response Program (EPRR).** This program was created to provide urgent financial assistance to tenants with active eviction cases, and therefore at imminent risk of losing their housing. The program is operated by Public Partnerships (PPL), and it does not have an income eligibility requirement. The sole entry point to the EPRR program is by referral through EDP intake; members of the public or non-EDP organizations cannot contact PPL directly to access funds. This program was initially funded in February 2022, when OHCS allocated \$8,950,000 for the remainder of the 2021-23 biennium. It was refunded in 2023 by the Governor’s Executive Order (\$7,386,826) and by OHCS (\$13,500,000 for the 2023-25 biennium).
- **Oregon Eviction Diversion and Prevention Program (ORE-DAP).** This program is run through the network of Oregon’s 18 Community Action Agencies (CAA) and other partners. With ORE-DAP funding, CAAs can provide rental assistance to tenants whose household incomes are less than 80% AMI, and those with active eviction cases are prioritized for help. ORE-DAP was initially funded in July 2021; in the 2021-23 biennium, OHCS allocated a total of \$40,552,018 to Community Action Agencies across the state for emergency rental assistance. The program was refunded by Executive Order in January 2023 (\$26,213,174) and by OHCS for the 2023-25 biennium (\$25,000,000). Starting in 2023, CAAs are also allowed to use their ORE-DAP funds to pay for direct legal services for tenants facing eviction, although very few CAAs report intending to use their funds for this purpose, remaining focused on using funds for rental assistance.

In addition to these statewide programs, in the 2021-23 biennium, OHCS has also provided Lane County (\$6,712,253) and Multnomah County (\$8,843,235) with additional funds to support their local emergency rental assistance programs. These individual funding streams were not renewed in the 2023-25 biennium.

Current System Strengths and Gaps

This section reviews Oregon’s existing service system with respect to the components of a robust eviction defense services continuum described earlier, including the current system’s strengths, promising or emerging practices, and the presence of any gaps in service type or reach.

Legal Services by Attorneys

As shown earlier in Exhibit 11, attorneys provide a range of legal services, from legal advice, to help negotiating stipulated agreements, to full representation for the eviction case. Matching the client with the appropriate level of service can depend on multiple factors, such as provider capacity, case status (whether a complaint has been filed), timing (whether there is sufficient time to prepare for trial), case merit (whether the tenant has a legal defense), potential for an attorney to impact case outcomes, and client wishes (although rare, some tenants only want legal advice). Combinations of these factors make tenants more or less likely to receive representation by an attorney versus more limited assistance—although the weighting of these factors in triage decisions varies across the different legal services providers.

Exhibit 12 shows the total number of eviction cases closed by County Circuit Courts and the number ended by default (in most of these cases, tenants never engaged the legal process and likely did not seek legal help). The table also shows the total number of tenants who received legal services for an eviction case from any of OLC³⁹, LASO, CNPLS, MPD, PCC Clear Clinic, or The Commons. (Exhibit 13 shows figures for each provider.) As shown, legal services capacity increased notably in 2021 (345 to 890 cases served), when funding began for the statewide EDP and the programs in Multnomah County and Portland. The number of tenants served nearly doubled in 2022 (890 to 1,671 cases served), as programs reached full implementation (most started mid-2021). In 2023, the number served increased further with 1,315 cases served in the first half of the year, partly due to PCC reaching full implementation and The Commons’ day-of-court pilot projects starting. In addition, the proportion of tenants that had attorney help negotiating stipulated agreements (“negotiation with litigation”) increased over time, with a notable jump in 2023 with the day-of-court project, and the proportion that received solely legal advice declined over time.

Exhibit 12. Total Number of Eviction Cases Served and Percent Receiving Each Service

| | 2019 | 2020 | 2021 | 2022 | Jan-June 2023 |
|--|------------|------------|------------|--------------|---------------|
| Total # of FED cases closed by Circuit Courts | 17,631 | 7,463 | 6,839 | 16,579 | 7,004 |
| Total # of FED cases ending in default | 5,032 | 1,499 | 1,932 | 4,650 | 1,823 |
| Total # of cases with tenant receiving legal services | 395 | 345 | 890 | 1,671 | 1,315 |
| <i>% Legal Advice</i> | 54% | 52% | 38% | 36% | 28% |
| <i>% Brief Services</i> | 17% | 17% | 19% | 16% | 14% |
| <i>% Negotiation without Litigation</i> | 8% | 8% | 15% | 14% | 13% |
| <i>% Negotiation with Litigation</i> | 15% | 9% | 20% | 24% | 38% |
| <i>% Representation in Court</i> | 3% | 12% | 5% | 7% | 5% |
| <i>% Other Extensive Service</i> | 3% | 2% | 3% | 3% | 2% |

Data Source: Number of cases closed and defaulted from OJD (2019-2022) and from PSU (Jan-June 2023). Closed cases do not include open stipulated agreements in some counties. Number of cases served and level of service from services provider data.

³⁹ Data for OLC, LASO, and CNPLS include cases categorized as “private landlord-tenant” on the Legal Services Program reporting tool or include “eviction.” This case selection method may underestimate the actual number of cases served.

Exhibit 13. Number of Eviction Cases Served and Percent Receiving Each Service, by Provider

| | 2019 | 2020 | 2021 | 2022 | Jan-June 2023 |
|---------------------------------------|------------|------------|-------------|------------|------------------|
| OLC (EDP + Regional Offices) | 108 | 97 | 303 | 522 | 336 |
| <i>Legal Advice</i> | 62% | 65% | 42% | 32% | 32% |
| <i>Brief Services</i> | 11% | 20% | 26% | 19% | 15% |
| <i>Negotiation without Litigation</i> | 7% | 8% | 11% | 8% | 11% |
| <i>Negotiation with Litigation</i> | 13% | 2% | 16% | 23% | 25% |
| <i>Representation in Court</i> | 4% | 5% | 2% | 12% | 11% |
| <i>Other Extensive Service</i> | 4% | 0% | 3% | 6% | 6% |
| LASO (EDP + Regional Offices) | 222 | 181 | 223 | 380 | 134 |
| <i>Legal Advice</i> | 50% | 40% | 36% | 36% | 42% |
| <i>Brief Services</i> | 14% | 15% | 14% | 13% | 19% |
| <i>Negotiation without Litigation</i> | 10% | 6% | 10% | 7% | 7% |
| <i>Negotiation with Litigation</i> | 19% | 16% | 20% | 29% | 22% |
| <i>Representation in Court</i> | 4% | 19% | 15% | 11% | 8% |
| <i>Other Extensive Service</i> | 3% | 3% | 5% | 4% | 2% |
| CNPLS | 65 | 67 | 40 | 119 | 75 |
| <i>Legal Advice</i> | 52% | 64% | 72% | 67% | 79% |
| <i>Brief Services</i> | 42% | 19% | 10% | 2% | 0% |
| <i>Negotiation without Litigation</i> | 5% | 15% | 15% | 23% | 0% |
| <i>Negotiation with Litigation</i> | 0% | 2% | 0% | 4% | 16% |
| <i>Representation in Court</i> | 0% | 0% | 0% | 2% | 5% |
| <i>Other Extensive Service</i> | 1% | 0% | 3% | 2% | 0% |
| MPD | -- | -- | 280* | 493 | 305 |
| <i>Legal Advice</i> | -- | -- | unk. | 38% | 34% |
| <i>Brief Services</i> | -- | -- | unk. | 19% | 24% |
| <i>Negotiation without Litigation</i> | -- | -- | unk. | 15% | 23% |
| <i>Negotiation with Litigation</i> | -- | -- | unk. | 24% | 13% |
| <i>Representation in Court</i> | -- | -- | unk. | 2% | 4% |
| <i>Other Extensive Service</i> | -- | -- | unk. | 2% | 2% |
| PCC Clear Clinic | -- | -- | -- | 100 | 147 |
| <i>Legal Advice</i> | -- | -- | -- | 13% | 7% |
| <i>Brief Services</i> | -- | -- | -- | 26% | 22% |
| <i>Negotiation without Litigation</i> | -- | -- | -- | 35% | 31% |
| <i>Negotiation with Litigation</i> | -- | -- | -- | 20% | 32% |
| <i>Representation in Court</i> | -- | -- | -- | 6% | 8% |
| <i>Other Extensive Service</i> | -- | -- | -- | 0% | 0% |
| Commons | -- | -- | 44 | 57 | 318 |
| <i>Legal Advice</i> | -- | -- | 0% | 23% | 9% |
| <i>Brief Services</i> | -- | -- | 0% | 0% | 0% |
| <i>Negotiation without Litigation</i> | -- | -- | 61% | 33% | 0% |
| <i>Negotiation with Litigation</i> | -- | -- | 39% | 42% | 91% |
| <i>Representation in Court</i> | -- | -- | 0% | 0% | 0% |
| <i>Other Extensive Service</i> | -- | -- | 0% | 2% | 0% |

Note. Data for OLC, LASO, and CNPLS include cases categorized as “private landlord-tenant” on the LSP reporting tool or include “eviction,” which may underestimate the actual number of cases served.

The EDP (via OLC and LASO) began services in February 2021. MPD began services in July 2021. PCC Clear Clinic began serving eviction cases in March 2022. The Commons began handling eviction cases in August 2021 and began the day-of-court pilot projects in April 2023.

*MPD changed case management systems in 2022, and service level data from 2021 were unavailable.

Exhibits 12 and 13 above show total counts of cases and tenants across the state. Exhibit A-6 in the appendix presents counts by region. Examining regional data highlights variability in service access across the state. Before the pandemic, it was rare for legal aid attorneys in any region to handle eviction cases. The 2019 service counts reflect this, as across nearly all regions, less than 5% of closed eviction cases received legal services. Two counties with higher percentages (Josephine 11% and Jackson 7%) provided nearly exclusively legal advice. Very few tenants received representation in court or during settlement negotiations.

After the pandemic, with new funding streams to boost capacity and a new attention on housing cases, services for eviction cases increased in all regions, albeit with significant variability. In 2022, five regions saw tenants in more than 10% of cases receiving some level of assistance, with notably more tenants receiving help negotiating settlements and some being represented at court. However, in some southern Oregon counties, such as Coos, Curry, Klamath, and Lane, the proportion of cases served remained under 5%. Circumstances are even more challenging for residents of eastern Oregon. In 2022, a total of 11 tenants were provided services in the Ontario region (Baker, Grant, Harney, and Malheur Counties) and 22 tenants were provided services in the Pendleton region (Gilliam, Morrow, Umatilla, Union, Wallowa, and Wheeler Counties). Because most of these counties hear eviction cases in a Justice Court, the total number of closed cases in these regions is unknown, but even modest counts would render the service numbers small.

Exhibit A-6 also notes the legal aid organizations that provide free legal services for eviction cases in each region. Multnomah County has the highest number of providers: OLC, LASO, MPD, PCC Clear Clinic, and The Commons. In 2023 in all other counties, OLC or LASO is the sole legal aid provider, either through a regional office or the EDP or CNPLS in Jackson County.

System Strengths and Promising Practices

Funding streams that were initiated during the pandemic have been largely maintained, and these resources have supported expansions of direct legal services and additional capacity-building efforts.

Regarding the **provision of direct services**, the following stand out as notable or emerging system strengths:

- Recent **funding for eviction defense has fundamentally changed Oregon's system** by increasing the number of tenant attorneys, establishing a sizeable pool of emergency rental assistance, and expanding the number of tenants who receive legal help with an eviction case. *From 2019 to 2022, the number of tenants that received legal help with an eviction quadrupled (395 to 1,653).* Although demand is still outpacing available resources, the recent gains in system capacity are substantial.
- OLC created and maintains the **statewide EDP hotline for tenants to call and be connected with legal services**. Having a single phone number and website has streamlined tenant referrals to the program by courts, 211, and other community partners, and the hotline has been increasingly accessed by Oregonians. *In its first year (March to December 2021), the EDP hotline received 1,384 calls. Usage has continued to grow, with 4,860 calls received from January to December 2022 and 3,845 calls in the first half of 2023 (January to June 2023).*
- Using the EDP hotline as a point for **centralized intake and referral** among participating legal services providers has also been a strength. EDP attorneys (from OLC and LASO) and collaborating legal services organizations in Multnomah County (MPD, PCC) report that having a centralized intake and referral process creates efficiencies and supports cross-provider communication.

- PCC Clear Clinic provides **legal representation for tenants during the notice stage** of their case, offering a pathway for early dispute resolution and helping to divert tenants from court. PCC staff conduct a thorough case review, coordinate with the local rental assistance provider to pay arrears, and negotiate directly with the landlord. Through extensive client contact, PCC staff identify leverage that may not constitute a full legal defense to nonpayment eviction, but can positively affect outcomes for the tenant. PCC lawyers often resolve matters at the notice stage, sparing tenants the challenge of having an eviction on their record and the stress of a court case, and sparing landlords the cost of a lawsuit. If a landlord does file a complaint, the PCC attorney will often continue service provision to represent the tenant in court. They also do eviction expungements for all eligible clients.
- LASO's housing notice clinic provides **legal advice to tenants during the notice stage** of their case, prioritizing tenants who have been served defective notices. A pro bono attorney will review the termination notice, assess the validity of the notice and identify any defects, advise the tenant on how to challenge the defective notice, and may draft a demand letter to have the landlord rescind the notice. If the case proceeds, the attorney may decide to help negotiate an agreement for the tenant or represent them in court. With 48 pro bono attorneys on the panel, the clinic offers private attorneys a means to engage in eviction defense work. *In 2022, a total of 40 cases were placed with 27 attorneys who collectively worked more than 580 hours.*
- The Commons is piloting a project to provide **day-of-court legal services during first appearance** at the Multnomah County Circuit Court and is reaching unrepresented tenants where they are and when they most need help. The Commons attorneys are present and visible at the courthouse to provide legal advice and assist tenants with settlement negotiations. The project has quickly become integrated into the daily flow of the eviction docket at the courthouse, and the court's Legal Resource Center is seeking ways to support the service. *The pilot project launched in April 2023 and served 15% of tenants on the first appearance docket in May, 18% in June, and 25% in July.*⁴⁰
- OSB's **Free Legal Answers program has proved to be a successful resource** both for lawyers seeking flexible pro bono opportunities and for people seeking online legal advice for housing matters. *Attorney participation surpassed expectations: 68 lawyers registered, when the initial recruitment goal was 25. Service usage is high: 275 questions were submitted in the first 6 months.* Though the program serves people with incomes up to 400% FPL, in the first few months of operation, three-quarters of users had incomes below 125% FPL.
- With a grant from the City of Portland, **Community Alliance of Tenants (CAT) partners with three culturally specific organizations and a private tenant attorney** to facilitate referrals of eligible BIPOC tenants for 3 hours of direct legal advice.
- EDP managing attorneys **routinely review the eviction docket at the state level to monitor trends** in filings across the state. While not a direct legal service, this practice informs a broader perspective of eviction across the state and the identification of regional differences, enabling different types of systemic interventions to ensure the law is enforced (e.g., identifying areas where forms mandated by HB2001 are not routinely used). State-level docket review began in 2021 and is made possible by

⁴⁰ The pilot project in Clackamas County Justice Court served 32% of the docket in May, 34% in June, and 29% in July.

PSU's Evicted in Oregon data team conducting a daily scrape of OJD's public data and then compiling information into a shared spreadsheet for EDP attorneys' review.

Regarding **efforts to build system capacity for legal services**—most especially, to increase the number of attorneys in Oregon who are competent in landlord-tenant law—the following practices are promising:

- EDP managing attorneys have developed a **comprehensive curriculum to train new eviction defense attorneys**, preparing them for active casework and courtroom appearances within a month. In addition, the EDP managing attorney at OLC provides **weekly supervision and case consultation** to EDP staff attorneys to ensure that newer attorneys are supported to develop strong skills.
- PCC Clear Clinic and The Commons **incorporate law students and interns into their daily operations and background casework**, providing students with hands-on experience with landlord-tenant cases.
- The Commons Law Center worked with all three Oregon law schools to create **a collaborative course on tenant defense**, offered to law students at Willamette University, Lewis & Clark College, and the University of Oregon. The class filled to capacity at all three schools in spring 2023 and will be offered again in spring 2024. In addition, one of the EDP supervising attorneys regularly teaches a **course on landlord-tenant law to students in the paralegal program** at Portland Community College.
- Oregon's **Licensed Paralegal Program**⁴¹ is scheduled to launch in January 2024 and offers the possibility of a new class of legal professionals who are able to provide legal advice and other legal services, and who could bring additional capacity to the eviction defense service system and perhaps afford new opportunities to provide legal help to tenants outside of court.

System Gaps

There is limited legal help available for tenants being evicted for nonpayment. While rental assistance is a necessary ingredient to cure most nonpayment cases, tenants in these cases also need legal guidance to resolve these matters. Because nonpayment accounts for 80% of eviction filings and because the EDP (via OLC, LASO, and CNPLS) is the sole source of legal aid outside of Multnomah County, when the EDP eligibility criteria changed to exclude straight nonpayment cases, tenants in most of the state lost access to legal services for their evictions. Currently, only renters in Multnomah County (served by MPD, PCC Clear Clinic, or The Commons) can reliably receive legal services for a straight nonpayment case.⁴²

Scant legal services are available for tenants during the notice stage of their case. To be eligible for EDP services, a tenant must have an active eviction case filed in court, making early diversion from court difficult to achieve for tenants in most of the state.⁴³ Currently, only renters in Portland (served by PCC Clear Clinic) and Multnomah County (served by MPD) can reliably access legal help after receiving a termination notice, but before the landlord files a court case. This is important because many renters reach out for help early on: *From January to June 2023, 31% of the calls to the EDP hotline (1,175 of 3,845) were from tenants whose landlords had not yet filed a complaint.*

⁴¹ <https://www.osbar.org/lp/about.html>

⁴² When capacity allows, staff attorneys in regional offices may offer advice to tenants with straight nonpayment cases who present directly to the office for help (these cases are not referred through the EDP line).

⁴³ Staff attorneys in regional offices may take cases in the notice stage, although providers report that this is infrequent and typically only happens when there are other extenuating circumstances (e.g., potential loss of a subsidy).

There is a lack of services for tenants with low to moderate incomes. OLC, LASO, and CNPLS maintain an income eligibility threshold of 125% FPL, which can be described as “very low income.” Because these are the only eviction defense service providers outside of Multnomah County, renters with low to moderate incomes who are facing eviction everywhere else in the state, and who cannot afford an attorney, have no free legal services available to them. Data suggest that, while the majority of renters facing eviction have very low incomes, a sizeable proportion have low to moderate incomes and would also benefit from services:

- *Among the 245 tenants who contacted PCC Clear Clinic for assistance between July 2021 and June 2023, 50% reported household incomes lower than 30% AMI. (In Multnomah County, 30% AMI is roughly equivalent to 125% FPL for households with 3 or fewer people.) An additional 11% had incomes between 31%-50% AMI, and 3% had incomes above 50% AMI. (36% did not report income.)*
- *Among tenants served by The Commons between 2021 and 2023 (across 25 counties), two-thirds had household incomes below 125% FPL, and one-third had higher incomes.*
- *Across 2,500 calls to CAT’s hotline between August 2022 and August 2023, from tenants across the state, 51% of callers had incomes below 30% AMI, 19% were between 31%-50% AMI, 13% were between 51%-80% AMI, and 10% were over 80% AMI (7% did not report income).*
- *Approximately 10% of eviction filings across the state (~1,890 in 2022) involved a court fee waiver granted to the tenant, which requires a household income of not more than 125% FPL.*

Most tenants appear in court without having received any legal help. Even with the increase in funding and the bump in the number of tenants served, many tenants appear in court without a lawyer and without having received legal advice, leaving them unprepared for the legal process and putting them at increased risk of losing their homes. A recent report by PSU,⁴⁴ based on data collected during a series of observations of the eviction docket at Multnomah County Circuit Court in 2022, highlighted the lack of knowledge among tenants during their first appearance, the lack of services available for them at the courthouse, and the degree to which this level of confusion can negatively impact their ability to plead their case. Many tenants had basic procedural questions, such as *What is ‘an answer’? How do I file one? What happens when trial comes? What is the difference between an agreement and a judgment? Can I have more time before trial?* These questions underscore the need for easily accessible legal information to ensure that tenants understand the court process. Other tenants sought information that would guide their decisions about which path to take, such as *What will filing an answer do for me? Can I mediate for settlement before trial? Will this be on my record? What do I do if my landlord has locked me out already? I am confused about whether I should agree to the payment plan or not.* These types of questions underscore the value of legal services—from advice to representation—in helping tenants understand their options and their rights.

Default rates remain stubbornly flat. Statewide, approximately 3 of every 10 eviction cases end with the tenant defaulting, automatically losing their case (and their homes) without engaging in the legal process at all and presumably without receiving any legal help to buffer the impact of the eviction action.

There is a dearth of private attorneys handling landlord-tenant cases. The lack of private attorneys skilled in and willing to take on eviction defense cases has ramifications for the system. For example, a lack of private attorneys results in fewer opportunities for pro bono referrals, fewer resources for modest means programs,

⁴⁴ Unpublished evaluation report prepared by Portland State University, titled *Eviction Court Observation Report: Multnomah County 2022*, shared through personal communication in August 2023.

and fewer advocates available for renters or programs who can pay for services. This forces legal aid attorneys to shoulder nearly all of the work for very low-income tenants, creates significant hurdles for renters with low to moderate incomes in finding legal help, and exacerbates challenges for courts dealing with high numbers of unrepresented tenants who are unfamiliar with the legal process. The shortage of private attorneys is evident: *In 2022, OSB staff reported having one private attorney taking landlord-tenant cases as part of the Lawyer Referral Service and one attorney taking landlord-tenant cases through the Modest Means Program. The latter attorney was getting up to 40 referrals a day.*⁴⁵ This dearth is **even more evident in southern and eastern Oregon**, regions that are under-capacitated in legal services generally, and in landlord-tenant law specifically.

Legal Services Accessed by People of Color

Research has shown that BIPOC (Black and Indigenous People of Color) renters are disproportionately more likely to have evictions filed against them and to be evicted, relative to their white neighbors. This heightened risk makes BIPOC households a key population for eviction defense service providers to target for legal services and community outreach. Because OJD data does not include information about the race or ethnicity of parties to a case, it is not possible to analyze the proportion of eviction complaints filed on tenants of color in Oregon. However, legal services providers collect demographic information for their clients, which can help shed light on how often people of color are accessing legal services around the state. Exhibit 14 (on the next page) shows, for each region served by a legal aid regional office, the proportion of residents⁴⁶ that identified as people of color and as Hispanic or Latino, as well as the proportion of legal services clients⁴⁷ who identified as people of color and as Hispanic or Latino.

As shown in Exhibit 14, the proportion of legal services clients identifying as people of color ranged from 9% in the Grants Pass region to 45% in the Portland region. *In 8 of the 10 regional offices with data, at least 1 out of every 5 clients identified as a person of color.* In all regions, the percentage of clients identifying as people of color exceeded the percentage of residents of color. While this difference likely reflects income disparity by race⁴⁸ and the ability to meet program eligibility criteria (125% FPL), it also suggests that legal services are being accessed by tenants of color. The proportion of legal services clients identifying as Hispanic or Latino ranged between 3% in the Douglas region and 20% in the Salem/Albany region. In some regions, these percentages were below the percentage of residents identifying as Hispanic or Latino, which could indicate barriers to access (e.g., challenges with language, fear of the court system, concerns among undocumented residents) and an opportunity for additional outreach, or a reduced need for eviction services among this population. Further research is needed to clarify this.

Data from The Commons' day-of-court pilot project (not reflected in the table) show even higher rates of service for tenants of color, suggesting that connecting in the courthouse may be a more effective way to reach the fuller docket and a diverse population of renters. *In Multnomah County from May to July 2023, The Commons' attorney served 269 tenants, 57% of whom identified as people of color. In Clackamas County from May to August 2023, The Commons' attorneys served 95 clients, 31% of whom identified as people of color.*

⁴⁵ Statistics Data provided by the Lawyer Referral Services manager at the Oregon State Bar.

⁴⁶ Percentages are from the 2022 American Community Survey and reflect all residents, not just renters.

⁴⁷ Data reflect eviction cases handled by attorneys from the EDP and regional offices operated by OLC, LASO, and CNPLS.

⁴⁸ Researchers at The Federal Reserve note that, "In the United States, the average Black and Hispanic or Latino households earn about half as much as the average White household and own only about 15 to 20 percent as much net wealth": <https://www.federalreserve.gov/econres/notes/feds-notes/wealth-inequality-and-the-racial-wealth-gap-20211022.html>

Exhibit 14. Racial Demographics of Regional Populations and Legal Services Clients in 2022

| Region | % of Residents Identifying as People of Color ^a | % of Legal Services Clients Identifying as People of Color ^b | % of Residents Identifying as Hispanic or Latino ^c | % of Legal Services Clients Identifying as Hispanic or Latino ^d |
|--------------|--|---|---|--|
| Bend | 12% | 23% | 13% | 13% |
| Coos Bay | 10% | 14% | 8% | 10% |
| Douglas | 8% | 21% | 7% | 3% |
| Grants Pass | 8% | 9% | 9% | 4% |
| Hillsboro | 11% | 31% | 13% | 11% |
| Jackson | 9% | 23% | 15% | 7% |
| Klamath | 11% | -- | 13% | -- |
| Lane | 11% | 25% | 10% | 8% |
| Lincoln | 11% | 27% | 10% | 5% |
| Ontario | 8% | -- | 13% | -- |
| Pendleton | 8% | -- | 15% | -- |
| Portland | 11% | 45% | 16% | 19% |
| Salem/Albany | 11% | 28% | 16% | 20% |

Note. Regions include different counties: **Bend Region:** Crook, Deschutes, Jefferson. **Coos Bay Region:** Coos, Curry, western Douglas. **Douglas Region:** Douglas. **Grants Pass Region:** Josephine. **Hillsboro Region:** Clatsop, Columbia, Tillamook, Washington, Yamhill. **Jackson Region:** Jackson. **Klamath Region:** Klamath, Lake. **Lane Region:** Lane. **Lincoln Region:** Lincoln. **Ontario Region:** Baker, Grant, Harney, Malheur. **Pendleton Region:** Gilliam, Morrow, Umatilla, Union, Wallowa, Wheeler. **Portland Region:** Multnomah, Clackamas, Hood River, Sherman, Wasco. **Salem and Albany Regions:** Benton, Linn, Marion, Polk.

^a Data source: 2022 American Community Survey. Percentage of residents identifying as people of color was calculated by summing the percentage of respondents who identified as Black or African American, American Indian or Alaska Native, Asian, Native Hawaiian or other Pacific Islander, another race, or two or more races. Regional percentages were calculated by averaging the percentages for the counties included in each region.

^b Data source: 2022 program data from OLC, LASO, and CNPLS. Percentage of clients with eviction cases identifying as people of color was calculated by summing the percentages of clients who identified as Black or African American, American Indian or Alaska Native, Asian, Native Hawaiian or other Pacific Islander, Hispanic or Latino, another race, or two or more races. Regional percentages reflect the percentage reported by each regional office. Percentages were not calculated for Klamath, Ontario, and Pendleton due to very small sample sizes.

^c Data source: 2022 American Community Survey. Percentage of residents identifying as Hispanic or Latino. Regional percentages were calculated by averaging the percentages for the counties included in each region.

^d Data source: 2022 program data from OLC, LASO, and CNPLS. Percentage of clients with eviction cases identifying as Hispanic or Latino. Regional percentages reflect the percentage reported by each regional office. Percentages were not calculated for Klamath, Ontario, and Pendleton due to very small sample sizes.

Legal Information and Community Outreach

The provision of accurate and accessible legal information is a necessary component of the eviction defense service continuum. Court systems are confusing and intimidating for many people, and the FED process is not automatically clear. Importantly, legal information can, and should, be given to both tenants and landlords. Tenants will benefit from understanding each phase of the FED process and their options at each point. Landlords without the help of an attorney can make mistakes that can, at best, make the process harder for themselves and tenants and, at worst, result in an unlawful eviction.

Legal information is distinct from legal advice in that it is generic information about the legal process, so it can be delivered by people without law degrees, thereby expanding potential providers to include tenant organizers and non-legal service providers. It is helpful to offer legal information broadly in the community (i.e., outreach initiatives) and “upstream” to ensure that tenants and landlords are aware of their rights and responsibilities before an eviction complaint is filed. This has become especially important with the passage

of House Bill 2001⁴⁹ and the related right to redemption, the details of which substantively change the eviction process for nonpayment but may be unknown by many renters and landlords.

Legal information provision should be both *passive* and *proactive*. Passive provisioning involves having information available and easily accessible when tenants or landlords search for it, such as through hotlines, websites, and court self-help desks. Proactive provisioning involves disseminating information to reach people who might need it, such as through community outreach, webinars, or “Know Your Rights” events. Proactive community education is critical to reach tenants who are less likely to seek legal help or distrust the legal system, as they also tend to be tenants with higher eviction risk. Proactive and targeted outreach to tenants to provide information about the eviction process and about available services has been shown to reduce the likelihood of tenants receiving judgments against them.⁵⁰ In any form, legal information must be accessible, written clearly using plain language, translated into multiple languages, and easily navigable.

National studies⁵¹ of the “justice gap” (the difference between the number of Americans who have civil legal issues and the number who receive legal assistance with those issues) show that a large part of the gap is due to people not knowing that their problem is a legal one, not knowing where to go, and worrying about cost (not knowing that free resources exist). Community outreach and legal information can help close this gap.

System Strengths and Promising Practices

In Oregon, legal information is *passively* available in a number of ways, including:

- Community Alliance of Tenants (CAT; statewide) and Springfield-Eugene Tenant Association (SETA; regional) have strong avenues for legal information provision, including **free renter hotlines and websites with information about the eviction process** and housing law. These resources are accessed frequently by renters across the state. *From August 2022 to August 2023, CAT’s Tenant Protections Team completed more than 4,000 phone consultations with tenants from 27 counties.*
- Oregon Law Help, Oregon Renter’s Rights, and OSB’s Legal Information Topics webpages offer a range of legal information and self-help resources related to renters’ rights, from security deposits and applications, to disability and reasonable accommodation, to habitability issues, to the eviction process. Though these online resources are plentiful, they are often difficult to navigate.⁵² The **upcoming revamped Oregon Law Help website managed by OSB will consolidate this information and streamline users’ access** to relevant resources, including both legal information and contact information for applicable legal services.
- OLC and LASO regularly create **one-page fact sheets that explain the eviction process**, and they update these resources as the housing laws change. These fact sheets are used by social service

⁴⁹ HB2001 changed the processing of eviction cases filed for nonpayment of rent. The statute lengthened the notice period to 10 days (instead of 72 hours) and established a tenant right of redemption through the trial date (i.e., the landlord must accept payment until the trial date and, if the tenant pays the rental arrears in full, they can retain their tenancy).

⁵⁰ Golio, A.J., Daniels, G., Moran, R., Southall, Y.F., & Lamoza, T. (2022). Eviction court outcomes and access to procedural knowledge: Evidence from a tenant-focused intervention in New Orleans. *Housing Policy Debate*, DOI: <https://www.tandfonline.com/doi/abs/10.1080/10511482.2022.2112257>

⁵¹ 2022 Justice Gap Study from the Legal Services Corporation: <https://justicegap.lsc.gov/the-report/>

⁵² A recent study by PSU reviewed the steps necessary to navigate the existing websites to access legal information related to eviction and concluded that the process was often complicated enough to impede users’ success. This unpublished study was shared via personal communication in August 2023.

organizations as resources for their clients. CAT and SETA also create **fact sheets and flyers for dissemination**, which they have tenant attorneys review for accuracy.

- Information about available legal services (not legal information about the eviction process) is also important to provide so that Oregonians know where to go for help when they need it. The **EDP hotline number and website is listed on all summonses issued by County Circuit Courts**,⁵³ which can help alert low-income tenants being sued for eviction about the resources available to them. CAT also includes the EDP contact information on its website, on all emails sent from the CAT hotline account, and in any webinars and presentations. In Multnomah County, having **211 provide referrals for legal services** has also been an important pathway.
- In partnership with OHCS, OSB **created legal information specifically for landlords**, which is available on the OSB website.⁵⁴ Providing legal information for small and unrepresented landlords, especially when there are law changes, can help ensure landlords understand and abide by the law, which can help curb unlawful evictions. *Nearly half of the landlords in Oregon's eviction courts (higher rates in rural counties) do not have representation by an attorney or an agent, suggesting a broad need for the effective distribution of this type of legal information.*

Throughout the current system, *proactive* dissemination of legal information is done less often. Legal services providers undertake limited community outreach, likely not enough to effectively reach renters from marginalized populations. A couple of proactive outreach methods stand out:

- **Docket watch enables providers to conduct targeted outreach** to tenants with upcoming hearings who have not connected with services. In 2021, while the moratorium and safe harbor period were in effect and filings were low, the EDP managing attorneys would review the statewide court docket regularly and reach out to tenants with upcoming hearings. When filings resumed, the number of cases grew too large for this outreach practice to be sustainable at the state level. Currently, EDP attorneys review the statewide docket regularly, but conduct outreach on a more limited scale. When capacity allows, EDP attorneys identify cases from the docket that are unlawful (with evident facial defects) and reach out to these tenants to offer services.

Docket review is effective, and likely more manageable to conduct, at the local level. In Multnomah County, on a weekly basis, EDP attorneys review the docket to identify cases filed for nonpayment and then send the information to Bienestar, the county rental assistance provider. Bienestar staff then conduct doorknocks at the addresses listed on the complaint and offer rental assistance. In Clackamas County, the local mediation provider (Clackamas County Resolution Services) and the local rental assistance provider go in person to the local Justice Court every Monday to request a hard copy of the docket for that Friday's eviction calendar. These providers collaborate to follow up with every tenant listed (as the information allows⁵⁵) to offer them financial assistance and mediation support.

⁵³ As of March 2023, this information is no longer statutorily mandated to be on all summonses (only those for nonpayment), which makes it possible that the information could be removed if the form is revised by OJD or modified by a local court.

⁵⁴ <https://www.osbar.org/docs/public/pamphlets/LegalInfoforLandlords.pdf>

⁵⁵ Staff note that this outreach is limited by the information available on the docket, taken from the complaints. For example, if the landlord enters only a street address (no phone or email) for the tenant, it is difficult to contact the tenant in the short number of days before their hearing.

- **CNPLS partners with ACCESS Veterans Services and Columbia Care to support veterans' housing stabilization.** These partnerships, formalized by MOUs, provide CNPLS attorneys with proactive outreach avenues to connect with veterans who are unstably housed or homeless, screen them for eligibility, and offer them relevant legal assistance. Each week, a CNPLS attorney goes in person to the local navigation center and coordinates with case managers to assist residents to complete applications for legal assistance. These organizations provide a host of supportive services (e.g., rental assistance, mental health counseling, case management) that, when complemented by legal services, comprehensively support housing stabilization.
- **Hosting webinars and workshops** can be an effective way to get information into the community, both for tenants and landlords. A tenant-related example involves CAT, which hosts webinars and workshops to answer questions from renters and educate them on the eviction process and any law changes. CAT collaborates with tenant attorneys to co-host webinars and workshops to ensure the legal information is accurate and to enable tenants to get more nuanced questions answered on the spot. A landlord-related example involves The Commons Law Center and Clackamas County Resolution Services who jointly hosted a webinar about HB2001 designed for landlords in Spring 2023, which was attended by 100 people. Webinars can be recorded and posted online to be available as a longer-term resource.

System Gaps

There is insufficient proactive community outreach, leaving tenants unaware of the services available to them. Aside from the outreach to tenants facing unlawful evictions identified on the docket (a practice that happens only when capacity allows), the information provisioning for the EDP is typically passive. Tenants find the EDP contact information on the court summons, online, or through 211 or CAT. EDP staff do not conduct regular community outreach to spread knowledge of the program. Data suggest that most tenants are unaware of the program: On the intake form for The Commons' day-of-court project in Multnomah County, unrepresented tenants are asked whether they sought legal help before coming to court. *Half of the tenants (48%) report having looked for legal help, but only half of them (roughly 25% of the total number of tenants) indicate that they had contacted the EDP.* A lack of outreach can leave tenants from vulnerable and marginalized populations (e.g., older adults, people with disabilities, people with limited English proficiency) unaware of the legal services that are available to them, which can hinder their participation in their case.

Legal information is not effectively embedded in community organizations. Few community-based organizations are trained to provide legal information to tenants who might be at risk of eviction. This is particularly relevant for CAAs, the primary emergency rental assistance provider in many counties, where it would make sense to combine legal information with rental assistance. Moreover, embedding legal information in community organizations would support tenants getting relevant legal services earlier in their case. Community organizations often encounter tenants who are experiencing financial hardship and are likely to fall behind on rent before legal services providers do. Information orientating that population to the court system and to the availability of legal services would support tenants' ability to defend their case.

Courts do not offer self-help services (on-site legal information) for eviction cases. In nearly all courthouses across the state,⁵⁶ there is no dedicated self-help service desk for housing matters (unlike family law, where

⁵⁶ A notable exception, Multnomah County Circuit Court's Legal Resource Center currently offers self-help services to parties with family law and probate matters and aims to broaden its capacity to provide self-help services for landlord-tenant matters.

all courts have a family law facilitator window). The need for this service was underscored by the results of PSU’s observational study of the Multnomah County Circuit Court eviction docket (described earlier), which highlighted tenants’ lack of understanding of basic procedural issues during their first appearance. The lack of this service also negatively impacts small and unrepresented landlords who may not understand the court process or make mistakes on their paperwork or process, causing challenges for both parties.

Court docket, a vital informational tool, is insufficiently used to reach unrepresented tenants with imminent hearings. Although the EDP managing attorneys monitor the docket at the state level, they no longer have the capacity to conduct consistent or widespread outreach based on its information. Moreover, very few local providers have undertaken this practice. The court docket offers a literal list of tenants who are facing eviction and is an ideal tool for targeted outreach—by legal services providers, rental assistance providers, or mediation providers—that is not being utilized.

Mediation / Alternative Dispute Resolution

Mediation can be an appealing alternative to a courtroom trial. Because it centers more on the people involved than the facts of the case, the mediation process can highlight the human side of the landlord-tenant interaction and foster compassion for the opposing party, often shifting the dynamic toward conciliation. In this way, mediation can help to reset a fractured landlord-tenant relationship and can be effective at surfacing creative, jointly generated solutions to disputes. Mediation professionals tout the benefits of this approach to surface issues underlying the reason for the eviction notice (e.g., prolonged illness as the reason for late rent payment) and to offer parties (especially tenants who might feel anxious about interacting with their landlords) a supportive environment in which to discuss issues that a judge would not want to hear. Mediators consider this approach favorable to the adversarial dynamic of a court process which can compound existing power imbalances and in which unrepresented tenants are often left to negotiate with the landlord attorney on their own at their first appearance.

While emphasizing the importance of negotiation and the key role of settlement supports to resolve eviction disputes, attorneys express concerns about the application of standard mediation approaches to landlord-tenant cases, which may underestimate the inherent power imbalance between the parties and further disadvantage tenants. Moreover, attorneys lament that, when mediators have no knowledge of landlord-tenant law and parties’ rights therein, they can inadvertently broker agreements that are unfair or involve terms that are legally unreasonable.

Mediation services for eviction cases are provided differently around Oregon. In some counties, mediation is available through a community-based organization, and in other counties it is available through a court-managed service. According to OJD, 11 County Circuit Courts offer mediation for eviction cases. The extent to which mediation is incorporated into the court process in each of these counties is unclear, although limited data suggest that mediation is rarely considered mandatory.

System Strengths and Promising Practices

- **Oregon has an existing network of mediation providers:** 15 community dispute resolution centers (CDRC) serving 24 counties and coordinated by the Oregon Office of Community Dispute Resolution at the University of Oregon. All CDRCs have some connection to a local court (though not always the housing court), and several, though not all, offer mediation for landlord-tenant cases. All mediators

complete required training on mediation basics and equity-focused mediation, though their standard training does not include legal topics. Few mediators are staff and most are volunteers.

- As part of the Eviction Prevention Mediation Demonstration Program (described earlier), from July 2022 through April 2023, *the 5 participating CDRCs collectively served more than 4,000 people across 1,336 cases*. The program reports that agreements were reached in 79% of mediations. Importantly, these CDRCs collaborated to develop a **specialized training module for mediators that covered the eviction process**, landlord-tenant law, and dealing with power imbalances. This grant program emphasized **coordination of mediation with other supportive services** (e.g., rental assistance), and a few of the CDRCs developed good working relationships with local providers. For example, during the grant period, Beaverton Community Dispute Resolution Center met weekly with staff from the local legal services provider, the local rental assistance provider, and the court to coordinate services.
- The landlord-tenant court in **Lincoln County has set a standard for all eviction cases to have at least one mediation session before the trial date**. The session is **facilitated by experienced mediators** from the local CDRC (at least one of whom is a retired lawyer), and attorneys for either party attend the mediation session with their clients. Local legal services attorneys report that these mediation sessions are useful, surface important points of discussion, and result in agreements most of the time. Because the attorneys for both sides can attend, the agreement terms are fair.
- Several mediation programs, including one in Portland funded by Portland Housing Bureau and one in Clackamas County and one in Jackson County funded as part of the Demonstration Program, report that they are **most often contacted by landlords and tenants for services before their case is filed in court** and that they reach agreements in the majority of their cases. *These programs are being utilized early by residents and may provide an opportunity to divert cases from court altogether, sparing tenants the negative impacts of an eviction filing.*

System Gaps

Mediation programs have variable integration with eviction courts. When mediation is locally available for landlord-tenant cases, there is wide variability in the extent to which it is (1) affiliated with the court (e.g., whether court staff oversee the program, whether the court promotes the program or offers space for mediations) or (2) integrated into the court process (e.g., whether mediation is required before the trial, whether the judge encourages mediation or provides time for negotiations). This variability is demonstrated across these 3 counties: Lincoln County Circuit Court sets a mediation session date for every case before trial, Clackamas County's Justice Court allows mediators to show up on docket day but does not alter court processes to accommodate parties' participation, and Portland's community mediation program has no connection with the court.

Mediation and legal services are not often connected. Parties without legal representation often come to mediation without understanding their rights or their available options. Mediators are focused on helping parties find a mutually agreeable solution and therefore cannot advise either side. Mediators may recommend that parties obtain legal advice before starting mediation, so that they can negotiate from a more informed position, but this requires an efficient pathway for tenants to connect with an attorney to receive legal help before mediation starts. This pathway generally does not exist.

Mediation and rental assistance are not often connected. For eviction cases that involve nonpayment of rent, mediation can be more productive when the tenant has money with which to negotiate. For many tenants, this requires rental assistance funds. Current data suggest that mediation providers and emergency rental assistance providers are not generally connected (with the notable exceptions of the few CDRCs in the Demonstration Program that created active partnerships).

Most mediators lack knowledge of landlord-tenant law. With the exception of those recently trained as part of the Demonstration Program, mediators serving as the neutral party in eviction mediation sessions often have no knowledge of landlord-tenant law, which can lead to poorly written agreements and which can negatively impact tenants who are typically in a position of less power. Basic understanding of the law governing the process is necessary to ensure that settlement agreements are legally sound and involve reasonable terms.

Emergency Rental Assistance

Rental assistance programs can be complex operations, involving decisions about how much money to give to each household, at what point in their case (i.e., before or after an eviction filing), and for which costs (e.g., rental arrearage, future rent payments, utility payments, moving costs). This report does not review these aspects of emergency rental assistance programs, nor does it provide recommendations in this regard. **This report focuses solely on the coordination between emergency rental assistance and legal services.**

The earlier tenants are connected with rental assistance, the better. If tenants obtain funds to pay rent arrears before a termination notice is served or a complaint is filed, they can avoid a court case altogether. With this as a goal, it is most efficient to locate rental assistance with service providers who interact with tenants before they are sued in court (e.g., CAAs). Once tenants have rental assistance funds, if their circumstances require negotiation with the landlord, they will be better equipped for this endeavor with legal support. In addition, some tenants will not present for help with rental arrears until they have an active court case. In these instances, coordinating rental assistance with legal services, while keeping attorney time focused on the legal aspects of the case, will likely create the best outcomes.

System Strengths and Promising Practices

The passage of HB2001, which lengthened the notice period for nonpayment cases to 10 days and established a tenant right of redemption through the trial date, fundamentally shifted the eviction process and better enabled tenants to access financial assistance to safeguard their housing. These changes also created a longer window of time for service providers to help renters secure resources to negotiate a different end to their case.⁵⁷ With these opportunities and renewed funding for emergency rental assistance, coordination of financial assistance with the other elements of the service continuum is more important than ever. Some promising approaches include:

- When **rental assistance providers are present at the courthouse for the eviction docket**, it streamlines access for tenants, increases program reach, and maximizes the program's chances of serving tenants most at risk for eviction. The provider can process tenant applications immediately, which can support negotiation with the landlord and provide renters with the funds they need to

⁵⁷ HB2001 requires that landlords cooperate with rental assistance providers and accept payments. If landlords do not cooperate with rental assistance providers, unrepresented tenants can face additional challenges to resolving their case.

comply with a stipulated agreement for repayment. For example, Bienestar de la Familia, a primary rental assistance provider in Multnomah County, attends the eviction docket at the County Circuit Court to identify and serve eligible tenants in need of financial assistance to settle their case.

- Creating a pathway for **warm handoff referrals between legal services providers and rental assistance providers** creates a more seamless (and faster) experience for tenants and a more efficient process for providers. In Multnomah County, The Commons Law Center and Bienestar communicate regularly and have an active collaboration, as do PCC Clear Clinic and United Way of Columbia-Willamette in Portland. At the state level, EDP intake staff directly connect tenants with nonpayment cases with the EPRR program using a shared referral database. Similarly, avenues for **warm handoff referrals between mediation providers and rental assistance providers**, such as the collaboration in Clackamas County, helps to ensure that parties are connected to financial resources in time to support negotiations.
- **CAAs offer a viable avenue to connect with tenants before a complaint is filed.** In a survey administered to 13 CAAs in Spring 2023, *85% (11 of 13) reported that tenants most often present for rental assistance when they are behind on rent but before the landlord has served them an eviction notice*, creating an opportunity for early intervention and potential diversion from court altogether.
- Incorporating emergency rental assistance support into legal services organizations tends to work best when **non-attorney staff complete rental assistance applications to free up attorney time** to focus on legal work. At PCC Clear Clinic, for example, law clerks and paralegals use templates to efficiently fill out rental assistance applications with information provided by tenants.

System Gaps

Rental assistance is not consistently coordinated with legal services. Legal services providers vary in how they intersect with rental assistance, leaving tenants to have different experiences and receive different levels of help. MPD, PCC Clear Clinic, and The Commons help tenants with their rental assistance applications, whereas the EDP now refers eligible tenants directly to the EPRR rental assistance provider. This difference in approach may leave renters outside of Multnomah County with comparably less support for these tasks.

CAAs and rental assistance providers are not typically coordinated with legal services regional offices, despite working in the same community. Through the ORE-DAP program, CAAs are a primary emergency rental assistance provider in most counties and therefore routinely interact with tenants at risk of eviction. However, most CAAs (and other rental assistance providers) report having no working relationship with their local legal services office (OLC or LASO regional office), inhibiting the exchange of referrals and the coordination of key tenant services.

Rental assistance is not consistently coordinated with mediation. Most mediation providers do not have consistent referral pathways with their local rental assistance provider, even though financial assistance is often in the best interests of both parties and can support early resolution.

Triage criteria for rental assistance reinforces crisis mode operations. The current guidance for the ORE-DAP and EPRR programs prioritize rental assistance for tenants with imminent court hearings who are most at risk of losing their homes. This prioritization is understandable, and likely necessary, but it also reinforces the focus on last-minute intervention and deprioritizes serving tenants for whom early diversion may be possible.

Long-term rental assistance is not available at the pace it is needed. Emergency rental assistance to provide gap coverage is critical. However, as rents continue to outpace wages, service providers clearly stated that the most meaningful rental assistance for families on fixed or low incomes—the only way to truly stabilize their housing in the current economic climate—is long-term supportive assistance through programs like Section 8. The availability of this long-term assistance is severely limited and woefully short of the need.

Other Entities Involved in, or Adjacent to, the Eviction Process

As described earlier, a statewide system of eviction defense services involves a diversity of organizations, service providers, and interest groups that interact with tenants at risk of eviction. In addition to the organizations mentioned already in this report, these three entities are also important to include: Community Action Agencies, public housing authorities, and the court system.

System Strengths and Promising Practices

Community Action Agencies

Oregon’s network of 18 CAAs have a presence in every county to provide a range of supportive services for low-income families, including emergency rental assistance. As such, they offer a key point of connection for tenants at risk of eviction and a key point of connection to other service providers within the eviction defense service continuum—most especially local legal services providers. A survey of 13 CAAs, conducted in April 2023, showed that, although there is little current collaboration between CAAs and legal services providers, many **CAAs see value in providing legal-adjacent services** and, with appropriate training and support, would consider offering services such as:

- Collaborating with legal services organizations to host community education events on civil legal topics, such as eviction and other housing matters,
- Providing court staff with information about rental assistance programs and working with them to provide information and support to parties in eviction cases,
- Tracking the court docket to identify tenants for targeted outreach, and
- Attending eviction docket days to connect with tenants who need services.

Notably, despite ORE-DAP’s expanded guidelines, only two CAAs expressed interest in using ORE-DAP funds to pay for direct legal services. Most CAAs preferred to establish a referral relationship with local legal services providers.

Public Housing Authorities

As the predominant providers of **subsidized housing and long-term rental assistance** across the state, public housing authorities are an important collaborator in the quest to stabilize housing for low-income families and reduce eviction risk. At the same time, as housing providers, housing authorities are frequently in the position of filing evictions against tenants of their properties who have fallen behind on rent or violated their lease agreement. These evictions can cause people to lose both their home and their subsidy.

Subsidized housing provision. In considering its approach to lease enforcement and eviction, with a goal of using a tenant-centered lens, the housing authority in Multnomah County (Home Forward; HF) developed a new policy regarding eviction for nonpayment among residents living in HF-owned properties. This new policy went into effect in August 2022 and involves the following changes:

- HF will not take any lease enforcement action if someone owes less than one month's rent and if the total amount owed is less than \$500.
- HF's lease enforcement steps have changed: For lease violations related to nonpayment of rent, HF will give tenants a 30-day notice. HF will offer reasonable repayment plans at every step of proceeding. HF will offer tenants the right of redemption through payment plan agreement until a judgment is obtained (i.e., tenants can avoid eviction by entering into a payment agreement before trial; the tenant does not have to pay the rental debt by then).
- Once an eviction case is filed, if the tenant enters into a payment agreement, HF will dismiss the case, so a judgment is entered in favor of the tenant. If the tenant fails to comply with the payment agreement, HF will file a new case. (This differs from typical FED cases, in which a payment plan would be entered into the record as a stipulated agreement and usually remains as a pending case until the terms of the stipulated agreement have been satisfied and the case is dismissed. If tenant fails to pay under the terms of the stipulated agreement, the landlord may automatically obtain a judgment of restitution against the tenant.)

Also in August 2022, Home Forward changed its policy regarding evictions and Housing Choice Voucher holders, namely:

- Previously, if a tenant with a voucher was evicted (from a private market rental) for serious or repeated lease violations, they would lose their voucher. Now, HF no longer terminates a tenant's rental assistance because they were evicted. If a tenant has an eviction judgment, they can keep their voucher and use it somewhere else.

Coordination with other entities. Public housing authorities are typically key members of multi-disciplinary advisory bodies that oversee or coordinate local initiatives to stabilize housing. **Integrating legal services organizations into these advisory bodies** can be an effective way to open communication channels between legal advocates and the main providers of subsidized housing units and long-term rental assistance. An example of such collaboration exists in Jackson County, where the CNPLS executive director chairs the local Continuum of Care, which sets the direction for homelessness services and oversees funding from HUD and the Governor's Executive Order, and also serves on the Medford Housing Advisory Commission, which guides the City's policies and funds affordable housing and supportive housing.

Court System

Once an FED complaint is filed, the court becomes a central player in the eviction process, essentially determining the tenor and pace of the proceeding. Given the considerable local discretion, county courts can create environments that, to a large extent, dictate the experience of landlords and tenants in eviction cases. For example, **courthouses can become a connection point for services (e.g., rental assistance, mediation, legal services) that can support parties' ability to engage in and resolve their case.** On the other hand, courts can seek to maximize efficiency by implementing expeditious timelines (e.g., scheduling trials quickly) and not slowing the process with external services or alternative resolution methods. The court context and the presiding judge have an outsized influence over the experience of the parties in the case and, likely, the case outcomes. As such, court personnel and judicial officers are key partners in the work to establish an effective and fair service continuum.

The Oregon Judicial Department has made some initial investments in its infrastructure that will help to support statewide coordination, including:

- The Oregon State Court Administrators (OSCA) office has long had a staff position to coordinate operations across criminal courts, supporting consistency across the State’s unified court system. In December 2022, **OSCA created a similar position for civil courts, the Legal Policy Advisor for Civil Law**. Within the civil courts, there is robust communication and coordination among family law courts, which allows for information sharing, joint trainings, sharing of best practices, etc., but not in other areas of law. The Legal Policy Advisor for Civil Law will have the ability to foster coordination among landlord-tenant courts, where there has been none.
- OSCA’s Legal Policy Advisor for Civil Law is in the process of establishing **a multi-disciplinary advisory committee for the civil law** section of OJD (which includes landlord-tenant courts) that will establish goals and implement strategies to improve the administration of justice within civil courts by supporting cross-sector coordination and the use of best practices. This committee will be modeled after similar and successful initiatives in other areas of law, such as the Juvenile Court Improvement Program (JCIP) Advisory Committee.⁵⁸

System Gaps

CAAs are not connected with their local legal aid providers. This lack of connection inhibits critical referral pathways and collaboration on other initiatives, such as community outreach or docket review. Moreover, CAAs need guidance to provide legal-adjacent services for tenants. CAAs’ role as rental assistance providers is currently siloed from the rest of the legal/court landscape in which tenants find themselves. CAAs could be better integrated into the broader system and therefore better leveraged to provide legal-adjacent services to support tenants who are navigating eviction risk and the court process.

Voucher termination cases receive comparatively little attention. With scarce affordable housing options, Housing Choice Vouchers are a lifeline for many renters. They are very limited and difficult to obtain, and if a tenant loses their voucher, they will likely never regain it. Therefore, voucher termination proceedings can be tantamount to eviction and, for some renters, homelessness. Current eviction defense services typically do not handle voucher termination cases (attorneys will address recertification issues only within an FED case).

Oregon’s unified court system entails considerable county-level variation. Local discretion leads to different conditions for tenants in different areas of the state. Court processes vary by county, including the use of mediation, relationship with legal aid providers, forms facilitation services, decisions about docketing, and scheduling processes for hearings and trials. Inconsistent implementation of policies and workflows (e.g., variability in the adoption of procedures and timelines mandated by HB2001) can create challenges for tenants and tenant lawyers. Promising practices or innovative approaches to supporting access to justice and court efficiency are not cross-pollinated across counties.

Justice Courts operate independently from OJD. Justice Courts do not share data with OJD about eviction cases, so little is known about eviction in the counties served by them. Moreover, counties in which eviction complaints can be filed at either a County Circuit Court or a Justice Court can create confusion for tenants, making an already complex and intimidating system even harder to navigate.

⁵⁸ <https://www.courts.oregon.gov/programs/jcip/Committee/Pages/default.aspx>

Recommendations and Considerations

A robust eviction defense service continuum offers a comprehensive array of legal and legal-adjacent services and employs a client-centered approach by reducing barriers to access, streamlining referral pathways (“no wrong door”), prioritizing service coordination, and implementing best and data-informed practices. Oregon’s current eviction defense service system boasts a sturdy foundation in the EDP, a multitude of strengths and promising practices, and a workforce of dedicated and experienced professionals. The recommendations and considerations offered below are intended to highlight opportunities to strengthen Oregon’s system and bolster its ability to respond effectively to the eviction crisis happening for renters around the state.

Using the results of the statewide system assessment as a basis, this section offers (1) recommendations for state-level program design and oversight, and (2) considerations for local-level program design, service approaches, and coordination. Examples of best practices and effective strategies used in other jurisdictions are briefly highlighted where they are relevant.

Recommendations for State-Level Program Design and Oversight

The following recommendations pertain to efforts at systems-level improvements through organizational alignment, program oversight, and program design to achieve equitable access. These recommendations are primarily geared toward major system partners, including OHCS, that are in a position to design, fund, or oversee eviction defense programming.

Support the full continuum of eviction defense services, financially and programmatically.

- **Fund a range of legal and legal-adjacent services targeting eviction defense.** From rental assistance to mediation to tenant education to legal services, provide resources for a range of services—and a diversity of service providers—to help create a wider and stronger safety net for tenants at risk of losing their homes.
- **Include cross-sector coordination as a required element of service provision in grant agreements.** When funding independent providers to deliver a service, require grant objectives that help to cohere the service continuum, such as developing partnerships between local legal services and social services organizations, developing new referral pathways, coordinating service delivery for low-income households, and conducting joint service-related outreach or events. Consider sectors that are adjacent to eviction defense, such as homelessness services providers, to help weave together a strong safety net for renters at risk of homelessness after an eviction.
- **Provide program guidelines that align with best practices.** Ensure that program guidelines for the EDP and other funded eviction-related programs are clear, detailed, and informed by best practices in the field and what is being learned in other jurisdictions. Review, and where appropriate sync up, the guidance given to each of the programs across the broader eviction defense service spectrum to support the alignment of different providers’ work.
- **Incorporate evaluation to monitor program progress and inform adjustments in design.** Collect and use data to monitor program implementation and to gain an understanding of what is working well, what challenges are encountered by providers or tenants, and what adaptations, if any, are needed to maximize service effectiveness and best meet the needs of the people being served. In addition to

tracking program outcomes, evaluations can assess the program context or community needs and can gather input from those who know the most: service providers, collaborators, system partners, and clients. Taken together, this information enables data-informed program design and decision making, ensuring that services remain responsive to changing community conditions, legislation, and tenant needs. To this end, ensure that program guidelines include clear instructions about data collection and reporting. Enlist external/independent evaluators whenever possible.

Engage state-level partners with legal expertise to administer eviction defense programs.

- Partner with the Oregon State Bar for the administration of legal services programs.** The Vera Institute of Justice has articulated the critical role of knowledgeable and involved program administrators for the effective implementation of civil justice initiatives.⁵⁹ Through its statutorily created Legal Services Program, the Oregon State Bar has a long history of funding civil legal aid programs, well-established relationships with legal services providers around the state, strong understanding of program implementation, and relevant content expertise and knowledge of best practices in the field of civil legal aid. OHCS can leverage this expertise by engaging the Bar in the oversight and administration of programs that target eviction defense or involve legal services providers. Having legal services grant programs administered by a single entity can also streamline reporting protocols for grantees and standardize data collection across similar programs, enabling more accurate and efficient evaluation and program monitoring.

In several states, including Maryland, Connecticut, Indiana, Michigan, Washington, and the District of Columbia, the state-level housing agency contracts with the state-level organization that funds civil legal aid to administer funds used for eviction defense legal services programs.

Advance equitable access to eviction defense legal services across the state—most notably, for Oregonians living outside of Multnomah County.

- Implement a uniform income eligibility guideline for EDP services.** Without an established eligibility guideline issued by OHCS as part of the EDP program design,⁶⁰ income eligibility criteria default to those held by individual service providers, which can vary. When providers operate regionally, this variance creates inequitable service access for tenants based on where they live. Specifically, EDP services are available to Multnomah County renters with incomes up to 80% AMI, whereas services are available to renters outside of Multnomah County if they have incomes below 125% FPL.
 - Raise the EDP income eligibility to 200% FPL.**⁶¹ Increasing the income eligibility threshold of the EDP would expand the number of low-income renters outside of Multnomah County, where legal aid resources are the scarcest, who qualify for services. This change would also bring the EDP's eligibility criteria more in line with other eviction defense programs around

⁵⁹ This 2023 fact sheet explains the need for and importance of program administration for immigration services programs (<https://www.vera.org/downloads/publications/Removal-Defense-Program-Administration-101.pdf>), though the stated principles also apply to eviction defense programs.

⁶⁰ For example, the program guidelines for ORE-DAP provide specific eligibility criteria for tenants to receive services.

⁶¹ FPL-related income guidelines are offered to be consistent with the metric currently used by the state's largest providers (OLC, LASO). However, using thresholds anchored to AMI instead of FPL would also be possible and could help accommodate local differences in community economies.

the country⁶² (and closer to the eligibility for most of Oregon’s emergency rental assistance, which is 60%-80% AMI). It is possible that raising the eligibility threshold may require bolstering legal services capacity, but this calculation depends on several factors.⁶³

Most eviction right to counsel programs around the country use income eligibility thresholds of 200% FPL or higher: California, Detroit, New York City, Newark, Philadelphia, Toledo, Washington State (200% FPL); Westchester County (300% FPL); Maryland (50% AMI); Connecticut, Denver, District of Columbia, Jersey City (80% AMI); Baltimore, Boulder, Kansas City, Minneapolis, New Orleans, San Francisco, St. Louis (no limit).

- **Ensure a viable service pathway for tenants with straight nonpayment cases.** An eviction defense service continuum must correspond to the needs of the tenants it serves. Because 80% of eviction cases in Oregon are filed for nonpayment of rent, and because tenants with straight nonpayment cases do not qualify for services under the EDP’s current eligibility criteria (unless they are in Multnomah County and can be referred to MPD or PCC), low-income renters in most of the state currently have no access to legal help with their eviction. Services for these cases are important to provide and they must involve a connection to rental assistance and help with settlement negotiations or (at least) legal advice to ensure that stipulated agreements are reasonable, legally sound, and fair. This work could be done by attorneys, which would likely require re-expanding the EDP eligibility criteria, or it could be done by creating a new service pathway for these cases, such as one that would incorporate Licensed Paralegals.
- **Make reduced-fee legal services available for people with incomes between 200% and 400% FPL (or 80% AMI).** Services for very low-income households are critical, and serving the most vulnerable families should be prioritized. However, they are not the only renters who end up facing, or suffering severe consequences of, eviction. A comprehensive eviction defense service continuum ensures meaningful access to legal services for all tenants, including those who do not qualify for legal aid but who also cannot afford typical attorney fees. Once the system is sufficiently capacitated to reliably serve people with incomes below 200% FPL, it could be expanded to provide reduced-fee services for renters between 200% and 400% FPL. This expansion could be accomplished by subsidizing private attorneys to work through OSB’s Modest Means program or by providing additional funding for the few legal services providers that serve tenants up to 400% FPL or 80% AMI to expand their services beyond Multnomah County.

Foster cross-sector coordination and cross-organization collaboration.

- **Convene and facilitate a state-level multi-disciplinary task force for eviction defense and prevention planning.** Ensure that this group’s membership is representative of the various sectors within the broader system that are affiliated with eviction-related work and that the group includes people from different regions of the state, large and small organizations, public and private entities, and different demographic backgrounds. Include people with lived experience.

⁶² The National Coalition for Civil Right to Counsel lists the eligibility criteria for eviction right to counsel programs around the country: http://civilrighttocounsel.org/uploaded_files/283/RTC_Enacted_Legislation_in_Eviction_Proceedings_FINAL.pdf

⁶³ The impact of raising the eligibility threshold will depend on multiple factors, including other system changes that could simultaneously affect demand and capacity. For example, if nonpayment cases were re-routed to be handled by licensed paralegals, this may free up sufficient attorney capacity to absorb the additional cases that would be income eligible.

- Support the creation of local multi-disciplinary workgroups to coordinate eviction-related services at the community level** (e.g., county or region). Ensure that these groups include representatives from the local legal services providers, rental assistance providers, CAA, mediation providers, housing authority, eviction court(s), and people with lived experience. Groups should meet regularly to share information and discuss opportunities to coordinate services, maximize service access, and minimize redundancy.
- Continue the statewide EDP hotline for coordinating legal services intake and referral.** Having a single place to refer tenants has streamlined service access, and coordinating intake and referral has created efficiency for the small number of participating providers in the Portland area. This central service should continue, even as the referral network may expand to include other legal services providers, pro bono attorneys, and modest means providers.
- Facilitate collaboration among legal services providers.** While OLC and LASO have long coordinated their services across the state, other legal services providers have not experienced the same level of relationship development, which leaves room for system fragmentation. To effectively coordinate services and to strategically develop the service continuum, the fuller group of legal services providers would benefit from organized and intentional meetings to cultivate relationships, identify opportunities, and collectively consider coordination. Active collaboration would be further supported by funding targeted at coordinated service provision.

In the District of Columbia, the “DC Eviction Prevention Co-Leaders Group” of local legal aid providers, subsidized housing providers, rental assistance providers, local government officials, and other community service providers has met regularly for 2 years. This group collectively developed a plan for eviction prevention in the District that structures multi-sector collaborative efforts and established key progress metrics.

Considerations for Local-Level Program Design and Coordination

The following considerations are geared toward efforts by service providers, legal and legal-adjacent, that work as part of the eviction defense service continuum. Importantly, many of these recommendations are specific in content but generic in application. For example, it is recommended to “improve coordination between legal services providers and rental assistance providers,” but exactly *how* to do this is left open. This is because the service providers and key partners implicated in each recommendation will be the ones best positioned to determine how to implement it in their community. This is especially true given the diversity of contexts and circumstances across the state—what works in Portland may not work in Pendleton—and leveraging the experience of the providers and partners who know their community best will both yield stronger relationships and better results. The *how* of these recommendations would be key topics of conversation in the multi-disciplinary task force meetings recommended above.

Create stronger connections between regional legal aid offices and local legal-adjacent service providers and resources.

- Shore up referral pathways and create the conditions for “warm handoffs.”** This will entail creating active working relationships among legal service providers, CAAs and other rental assistance providers, CDRCs and other mediation providers, community-based organizations and tenant organizers, and the court. Staff in all organizations should have a direct contact person in the other

organizations to facilitate warm handoff referrals and the exchange of information. (Note: The local multi-disciplinary workgroups, mentioned above, will generate these referral relationships.)

- **Facilitate relationships between regional legal services offices and the local CAAs.** While referral relationships among all system partners would be beneficial, connecting CAAs with their regional legal aid offices is particularly important. These entities should have strong working relationships and efficient referral pathways back and forth. Staff should have a direct contact person in the other organization who is responsive and communicative and should not be relegated to giving tenants the main phone number to make a cold call.
- **Connect legal services providers and local housing authorities.** Supporting low-income renters to maintain and use Housing Choice Vouchers in the private rental market is an important tool to create and sustain affordable housing. If tenants relinquish their vouchers because they are unable to use them, because landlords will not rent to them, legal services providers can help assess possible legal remedies, supporting voucher use and housing stability.

Bring services to where tenants need them: The courthouse.

- **Ensure that legal services providers and rental assistance providers are present at the court on eviction docket days.** The courthouse is an essential service point for tenants, who often arrive for their first hearing with little understanding of the process, no legal representation, and in an emotionally charged state. Having attorneys on site to provide legal advice, representation, or help negotiating a stipulated agreement—and also having rental assistance providers on site to connect tenants with financial resources to comply with agreements—creates an effective backstop for tenants who would otherwise likely lose their cases, and their homes.

- **Work to integrate the presence of tenant legal services into eviction court operations.** Legal services providers can establish good working relationships with court clerks, staff, and judges. On-site legal services for tenants can support the efficiency of courtroom procedures and ease settlement negotiations, demonstrating value for both court personnel and landlord attorneys. Having judges mention the availability of tenant attorneys during opening remarks of the calendar can aid the integration of services and support tenant access.

Mandatory settlement conference (MSC) programs—requiring parties to attend a settlement conference before going to trial—can help support settlements in eviction cases, reduce court burden, and streamline attorney intervention. Data from the MSC program at the Superior Court of Santa Barbara County (CA) show that parties reach agreement in 79% of conferences and that agreements entail terms similar to those achieved by cases receiving full representation.

- **Support the creation of courthouse self-help centers.** Court-based self-help services (legal information to support people in navigating the court process) are a much-needed resource for unrepresented parties. These services support both landlords, who benefit from assistance with forms and information about processes, and tenants, who benefit from information about the process and their options and responsibilities at each point. The creation of court-based self-help centers is under the purview of OJD, but their implementation could be a coordinated effort with legal services providers whose staff hold the relevant expertise. Given the numbers of unrepresented tenants and landlords in Oregon’s system, the efficiency of service

accessibility at the courthouse, and the well-understood benefits of self-help services, these centers are an important part of the service system.⁶⁴

Support early identification and intervention to prevent eviction filings.

- Expand legal services for tenants during the notice stage.** Helping tenants to negotiate and resolve their issue during the notice period can often divert them from court altogether and avoid them having an eviction filing on the record. It also saves time and costs paid by the landlord as well as court resources, benefitting multiple stakeholders in the system. However, the PCC Clear Clinic is the only legal aid provider focused on notice cases, resulting in this type of service being reliably available only for Portland residents.⁶⁵
- Enable community-based organizations to identify tenants with termination notices and refer them for legal help.** Oregon’s law does not require termination notices to be visible to the public, so legal services providers have no way of identifying tenants who have been served one. Community-based organizations, which offer ancillary services, will know about these tenants first and offer a helpful point of contact to reach people early, screen them for eligibility, and refer them for legal assistance. This type of early intervention can help tenants avoid defaulting.
- Continue to allow rental assistance disbursements to tenants during the notice stage.** For most tenants, paying some or all of the rental arrearage during the notice period will be the most efficient path to avoiding eviction and court.

Innovation for Justice launched the Housing Stability Legal Advocate (HSLA) Initiative in Arizona and Utah, which provides specialized legal training to non-lawyer staff in community-based organizations that interact with tenants “upstream,” before an eviction is filed. These HSLAs can provide legal information and limited legal advice to help tenants understand their rights and resolve their issues early.

Expand community education and outreach efforts and, when possible, target outreach efforts to connect with tenants who need services.

- Create outreach partnerships between legal aid providers and community-based organizations that interact with low-income tenants.** Legal services providers can collaborate with community-based organizations, CAAs, and tenant organizations to provide legal advice and information. This can include jointly hosting single events, such as “Know Your Rights” workshops or webinars, and more regular events, such as “Attorney Office Hours” when a lawyer comes to the organization to answer legal questions. This type of community education can increase people’s knowledge of their rights and the process, which can help prevent avoidable filings by landlords and default judgments against tenants. Having community partners promote these events can increase the reach of legal aid organizations and help allay trust concerns among tenants who are wary of the legal system.

⁶⁴ The Futures of Legal Services in Oregon task force recommended several ways to improve resources for people navigating the court system on their own (“self-navigators”), including the creation of self-help centers in all Oregon courthouses: http://www.osbar.org/docs/resources/taskforces/futures/futurestf_summary.pdf

⁶⁵ LASO’s Housing Notice clinic offers notice stage legal services, which is an important system support. However, this clinic relies exclusively on pro bono attorneys, whose availability varies, yielding a service with unreliable capacity.

- **Partner with culturally specific organizations to reach BIPOC and immigrant households.** Given that BIPOC renters and immigrant families experience disproportionately high eviction risk, efforts should be targeted to provide them with legal and legal-adjacent services that could help them avoid displacement.
 - **Establish community partnerships to reach renters from vulnerable populations.** Some tenants have characteristics or experiences that put them at increased risk for eviction or homelessness or lessen their ability to access services. For example, this might include older adults, people with disabilities, people with mental health problems, and domestic violence victims. Legal services providers can partner with community organizations that serve these populations to facilitate a pathway for referrals.
 - **Partner with schools to reach low-income families with children.** Schools serve as information hubs and with broad communication systems that parents routinely access and trust, making them a potentially impactful partner to disseminate information about renters' rights or available legal services. School social workers also track students who are unstably housed or homeless and could connect families at risk of eviction to services or legal information.
- ActionNYC, a New York City program focused on legal aid for immigration cases, employs an extensive and proactive outreach model that integrates legal services into trusted community-based organizations (CBO). The program funds attorneys to go to CBOs to connect with clients, funds community navigators at CBOs to screen people for legal needs and help with background casework, and creates vital referral pathways between legal and social services.*
- **Use data to identify geographic areas or specific buildings where tenants are most at risk of eviction and target outreach there.** Monitoring data from court filings can highlight specific areas or neighborhoods that have higher-than-average eviction filing rates and identify specific landlords or property managers who file evictions at higher-than-average rates. This information can be used to identify neighborhoods or specific buildings for targeted (and preventative) outreach for tenant education, such as community-based organizations doing doorknocks to give out information.
 - **Watch the court docket and reach out to tenants with upcoming hearings.** Legal services providers and rental assistance providers can watch the eviction docket in their local court and reach out to tenants before their court date. Rental assistance providers can connect these tenants with financial assistance, and legal services providers can provide legal information, offer legal advice, and screen tenants for representation needs.
 - **Host well-advertised advice clinics at convenient places in the community on a regular schedule.** Making legal advice more readily accessible for tenants can alleviate potential bottlenecks in service access. Rather than waiting for tenants to call legal aid offices, and then requiring providers to field, triage, and return calls, offering a community-based advice clinic can consolidate capacity and establish a
- By watching the docket and partnering with tenant organizers to knock on doors and introduce people to legal services, DC's Civil Legal Counsel Project Program reached out to 300 tenants with live writs that were set to resume at the end of the moratorium. Through this outreach effort and subsequent representation, 70% of these tenants retained their homes.*

reliable resource for residents and referring community partners. Clinics can be staffed by legal services attorneys, pro bono attorneys, or licensed paralegals.

- **Develop relationships with local landlords and property managers.** Rental assistance providers and mediation providers can establish relationships with local landlords and property managers and make them aware of the services available for tenants. Landlords are the first people to know when tenants fall behind on rent, and alerting them to the available financial resources can expedite tenants' connection to the support needed to resolve the issue. Moreover, when there is tension or conflict in the landlord-tenant relationship, early mediation can help facilitate dialogue and repair the relationship, sometimes avoiding an eviction filing.
- **Maintain online legal information sources that are user-friendly.** Ensure materials are accessible (8th grade reading level), translated into multiple languages, available in different forms (online, downloadable flyers), and use plain language to explain the eviction process, tenant's rights, and local legislation. A website with updated information, navigable pages, and easy connections to service providers will streamline people's access to information and services.
- **Provide legal information targeted toward small landlords.** A sizeable proportion of landlords in eviction cases heard by Oregon's Circuit Courts do not have attorney or agent representation. Providing legal information, catered to landlords' questions, will help to educate small landlords about housing law, the eviction process, their rights and responsibilities as a housing provider, and their tenants' rights and responsibilities as a renter.

Deploy mediation programs that are well designed for eviction cases.

- **Engage system partners to develop a plan to integrate mediation into the eviction defense process.** For mediation programs to help address the demand for services, they must be thoughtfully and consistently incorporated into the broader eviction defense service continuum. Engaging system partners (especially at the local level) will be necessary to determine the best approach for this type of coordination. (Note that these service decisions could be informed by the results of the suggested pilot projects described later in this report.)
- **Provide mediators with specialized training in landlord-tenant law.** Knowledge of the controlling law will support mediators' ability to fully understand the dynamics of the dispute and to broker reasonable and lawful agreements. The Eviction Prevention Mediation Demonstration Program developed and successfully implemented a curriculum for this purpose, which could serve as a basis for broader training.⁶⁶

In Philadelphia, PA, landlords are required to participate in the Eviction Diversion Program before filing an eviction complaint with the court. The EDP provides specialized mediation, supported direct negotiation and, for eligible parties, targeted financial assistance. Since 2020, the program has helped approximately 4,000 tenants retain their housing and has reduced the number of filings.

⁶⁶ After the period covered by this report, the PCC Clear Clinic launched a partnership with Resolutions NW, the local community-based mediation services provider, to provide legal information and create resource materials to teach mediators about the procedural aspects of certain types of housing cases (e.g., habitability) to ensure that mediators are able to broker legally sound agreements and identify when negotiations got bogged down in procedural issues. The trainings and materials created by PCC Clear Clinic could become more broadly used training materials for mediators in other counties.

- **Encourage early engagement.** While mediation should be an available option to parties throughout the eviction process, it should be emphasized as a community resource early on. When parties enter mediation early, before the conflict has become an entrenched dynamic, it can be easier to reset the relationship and find solutions. Importantly, when parties mediate early, there is also greater likelihood of diverting them from court altogether.
- **Establish mediation providers as a connection point to other supportive services.** Having mediation programs serve as an access point to other services can facilitate the receipt of critical legal-adjacent and supportive services, like rental assistance, that can support dispute resolution. Parties can be connected to these services by organization staff—not the mediator—to maintain impartiality of the mediator during negotiations. Referrals will require working relationships between the mediation provider and the rental assistance and other service providers.
- **Incorporate a pathway for unrepresented parties to receive legal advice before mediation.** Mediators cannot provide legal advice, but they know that parties are likely to make, and to feel better about making, more informed choices during mediation if they have consulted a lawyer beforehand. This may support settlement durability, increasing the chances of diversion from court. Importantly, this applies to both unrepresented tenants and unrepresented landlords.

Increase legal services capacity for eviction cases.

- **Incorporate Oregon’s newly licensed paralegals into the service continuum.** Leverage licensed paralegals’ ability to provide legal advice and limited legal services in a way that maximizes service access for tenants and frees up attorney time for more complex legal duties. Possible roles for licensed paralegals might include: (1) attending docket days at the courthouse to provide legal advice and negotiation support for unrepresented tenants, (2) assisting tenants with straight nonpayment cases to access rental assistance and negotiate agreements with their landlords, and (3) conducting regular advice clinics and/or “office hours” inside of a community-based organization.
- **Expand the number of private attorneys trained in landlord-tenant law.** These attorneys can provide market rate services and can also be recruited for pro bono and modest means services. Emphasis should be placed on increasing the number of attorneys in rural areas.⁶⁷ To train pro bono attorneys, relevant curricula exist (e.g., The Commons’ landlord-tenant law school course, EDP’s new attorney training) and could be adapted. Trainings could be jointly led by attorneys from multiple legal aid providers, capitalizing on the expertise across the system.
- **Create a talent pipeline for law students interested in landlord-tenant law.** The Commons should continue its landlord-tenant law course in Willamette University, Lewis & Clark College, and the University of Oregon Law Schools. In addition, eviction-related law school clinics could be implemented to expand students’ training opportunities, which will yield cohorts of graduates with a base of knowledge in landlord-tenant law.

In Washington, the Housing Justice Collective is a partnership between the Office of Civil Legal Aid and Seattle University School of Law to create a sustainable pipeline of diverse, competent and committed lawyer to represent tenants in eviction cases.

⁶⁷ Virtual court proceedings, maintained in some counties, enable attorneys to represent tenants in a different county, which can also help to expand access to legal services for tenants in rural or low-resource areas.

Opportunities to Learn

There are multiple opportunities to learn about what works and to collect and use data to inform program design, enhancements, and replication. Creating a strong data infrastructure will enable data-informed decision making over time. The following recommendations involve the identification and use of existing data sources, as well as the collection of new data.

Develop and implement a data monitoring plan.

Oregon has several extant data systems that hold relevant and accessible information that can provide a data-informed understanding of eviction across the state. Monitored consistently, these data can help program administrators, service providers, and policy makers maintain current knowledge of trends in eviction and in eviction defense services.

- Track **court data**, including the number of FED filings, as well as the rates of default, dismissal, legal representation for both parties, and cases ending with judgments against tenants.⁶⁸ Note that, currently, PSU tracks information that is accessible from OJD's public data and the EDP attorneys manually fill in more detailed case-level information. These data are reviewed for EDP operations and evaluation, but they could address broader purposes. These data should be regularly reviewed at the state and county level, to identify any areas that are experiencing noteworthy trends. These trends could reflect the impacts of local service approaches (e.g., a reduction in the number of defaults could be related to intensified proactive community outreach efforts), indications of changes in community factors that bear on eviction risk (e.g., change in local housing ordinances), or areas of emerging service need (e.g., increases in filings).
 - Seek to obtain data on eviction cases heard in **Justice Courts**, so that more accurate numbers of eviction filings and judgments can be calculated for the state as a whole and for the counties served by these courts, which are largely rural and often under-resourced.
- Track **legal services provider data**, including the number of people served, demographics of people served, level of service provided, referral source (how tenant learned about the service), and case outcomes. These data should be reviewed regularly at the state and county level to monitor trends over time and to identify geographic areas and client populations that are being served and those requiring additional or targeted outreach. For example, reviewing these data can help program administrators and service providers gain insight into whether their services are reaching marginalized populations and those at increased risk of eviction, such as BIPOC-led households, and assessing data on referral source will shed light on how referrals are moving through the system and where linkages could be tightened.
 - Conduct targeted data review for new services to examine their impact. For example, if a service provider undertakes an expanded community outreach effort or begins services at the courthouse, a review of their data over time may show impacts of these approaches.

⁶⁸ Working with OJD to examine and refine its protocols for Odyssey data collection (for instance, standardizing data entry practices across counties) would bolster any efforts to use court data.

- Continue to track **rental assistance provider data**, including the number of households provided rental assistance, and the demographic characteristics and geographic location of those served. Reviewing these data regularly can help elucidate which households in the community are reached and where additional outreach is necessary, including the extent to which rental assistance is reaching BIPOC households and other populations with increased eviction risk.
- Track **mediation provider data**, including the number of cases provided with mediation services, when in the case process mediation was conducted (before or after the complaint was filed), the demographics and geographic location of households served, whether agreement was reached, and the terms of the agreement (e.g., whether the tenant moved or stayed, any amounts to be paid). For some programs, these data will reflect the number and type of parties who engage mediation but have not yet engaged with the court. The number of people served by these programs, along with the number of court filings, may provide a more accurate estimate of tenants at risk of eviction (as compared to the number of filings alone). Tracking the number of mediated settlements in conjunction with the number of filings may shed light on the program's effectiveness at diversion.

Cross-referencing the datasets mentioned above at the county level will yield useful insights about the potential impacts of local service approaches, emerging local needs, and opportunities for further service coordination or targeted outreach. When it is possible to track referrals between providers or clients in common, this will yield useful data to support and enhance cross-provider coordination.

Conduct in-depth evaluations of particular programs or service approaches.

Tracking data from existing administrative databases is necessary and useful for assessing general trends. However, these data alone cannot provide the information necessary to fully understand the successes and challenges of program implementation, which can inform adaptations in program design or resourcing, or more specific program outcomes and impacts. Evaluation studies that are customized to the program in question involve more detailed data collection and analysis protocols and use mixed-method designs to more specifically assess program implementation, outcomes, and impacts. These studies can incorporate data from multiple sources—including feedback from service provider staff, other key partners in service delivery, and clients—to provide a more well-rounded assessment of the program and offer input critical to identifying program strengths and opportunities for improvement. Enlisting the services of independent evaluators to conduct these studies can help ensure more rigorous research approaches and unbiased results.

Gather feedback from the people served by the programs.

Creating a client-centered service system requires understanding clients' needs and experiences and keeping client voice central to program design. Current work by PSU to study tenants' experience of the eviction process in Oregon will be a notable resource to guide client-centered program design going forward.⁶⁹ In addition, if service providers have existing mechanisms for the regular collection of client feedback, this information can be de-identified and shared for this purpose, and any program evaluation plans can incorporate protocols for gathering feedback from the people served by the program. Importantly, these protocols should strive to ensure that feedback is collected from a diverse and representative cross-section of clients, paying close attention to equity and including voices from those in hard-to-reach populations.

⁶⁹ Dr. Bates' research on tenants' experience is scheduled to be published in early 2024.

Conduct Pilot Projects to Learn What Works

The number of promising practices around the state offers several opportunities for targeted studies to learn about the effectiveness of specific programs and about what is needed to implement, improve, sustain, or replicate them in other areas. Of particular interest might be innovative service approaches that maximize service reach and streamline attorney engagement, a combination that will help ensure that the system can capitalize on limited resources. Some examples might include:

- *Evaluation of a strategically designed and integrated mediation program.* The variance in mediation programs across the state leaves room to study the conditions under which mediation services are most effective for eviction cases and most effectively incorporated into the service continuum. For example, such a study could assess the short and longer-term outcomes of mediation (e.g., rate of agreement and durability of agreements, including whether a complaint was filed in the subsequent 6 months), and could also compare the terms in mediated agreements to terms in stipulated agreements negotiated by attorneys for similar cases. The study could examine particular elements of the mediation program model to help discern best practices, such as timing of session relative to the complaint filing, presence of counsel at the session, mediator knowledge of landlord-tenant law, and degrees of integration with the court. Importantly, the study could gather detailed feedback from both parties on their experience and conduct in-depth analysis of data to understand what works best for which type of case. Conducting well-designed evaluations of mediation services in a couple of counties will build on lessons learned from the Eviction Mediation Prevention Demonstration Program and will provide data to inform the integration of mediation into the service continuum in local efforts across the state.
- *Evaluation of The Commons' day-of-court pilot project in Multnomah and Clackamas Counties.* This study could address questions like: How does a same-day model compare to a more traditional legal services model (that requires tenants to contact the provider in advance of their hearing and complete a thorough intake, and then requires the attorneys to determine which cases to include in their caseload over time)? Does a day-of-court model result in efficiencies that allow attorneys to assist more clients per month? Does providing services at the courthouse increase tenant's access to services, increasing the number served? How do the outcomes of cases served via the day-of-court model compared to outcomes of cases with tenants who receive either full representation or legal advice, or remain pro se? What do court staff and judges think about the day-of-court model? What do tenants think about their experience? If the results are promising, what can be learned about effective implementation, so that it might be replicated in other counties?
- *In collaboration with the court, design and study a mandatory settlement conference (MSC) program.* Current data from this statewide assessment indicate that one Oregon county requires that parties meet for a mediation session before trial, though data from other jurisdictions⁷⁰ suggest that this

⁷⁰ Through the Sargent Shriver Civil Counsel Act, the Superior Court of Santa Barbara County has staffed a specialized Housing Settlement Master to facilitate its mandatory settlement conference program. Early data show that this program reaches agreement in 79% of conferences and the settlement agreements include terms that largely mirror those of cases that received full representation. <https://www.courts.ca.gov/documents/Shriver-Housing-2017.pdf>.

Also through the Sargent Shriver Civil Counsel Act, the funded legal services provider in Alameda County has created a specific day-of-court service model where the attorneys are present at the mandatory settlement conference day to help tenants

approach is effective. Establishing a day specifically for negotiations can streamline the work, enable parties to be better prepared to negotiate, and create a systemic support for settlement. A pilot study could be designed, in collaboration with a willing court, to implement an MSC program and study its impact on the court (are there fewer trials or other efficiencies?), on legal services providers (are more tenants served? Are there other efficiencies?), and on the parties (are parties more prepared to negotiate? Do they feel more satisfied with the process? Are the stipulated agreements better constructed or more durable?).

- Monitor the impacts of Home Forward's policy changes regarding eviction for nonpayment. Do the number of evictions decrease? How many tenants repay their rent within the 30-day notice period? How many tenants opt into payment plans and how many comply with the plans? What do tenants think about the new policies? What do staff think about them? If positive, study results could be used to advocate for these policies to be replicated by other housing authorities across the state.

negotiate agreements with their landlords. Unpublished data for this program show that the rate of agreement and terms therein are similar to those achieved by cases that receive full representation by an attorney.

Appendix

Exhibit A-1. Map of Housing Authorities

Exhibit A-2. FED Filings by County (Circuit Courts Only)

Exhibit A-3. Default Rates by County (Circuit Courts Only)

Exhibit A-4. Number of Eviction Filings by County (Circuit Courts Only), July 2022 to June 2023

Exhibit A-5. Current Legal and Legal-Adjacent Programs Supporting Eviction Defense Services

Exhibit A-6. Number of Eviction Filings and People Served by Region, 2019 to 2022

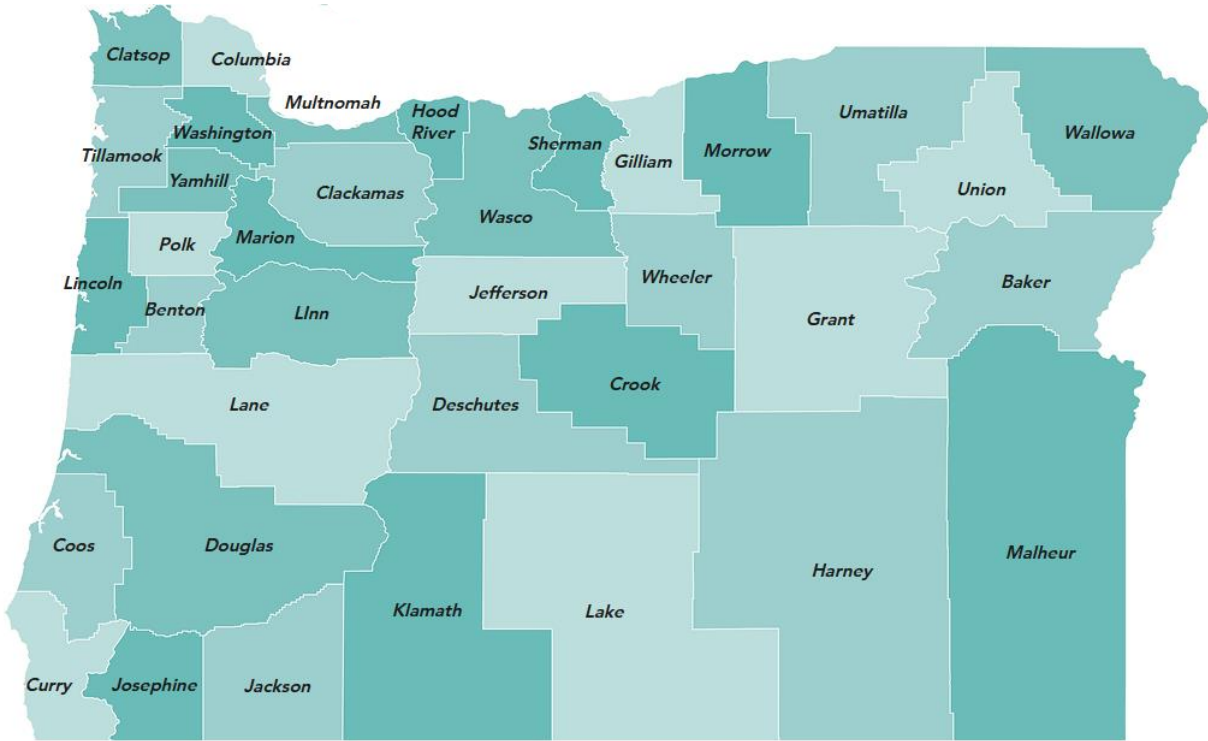
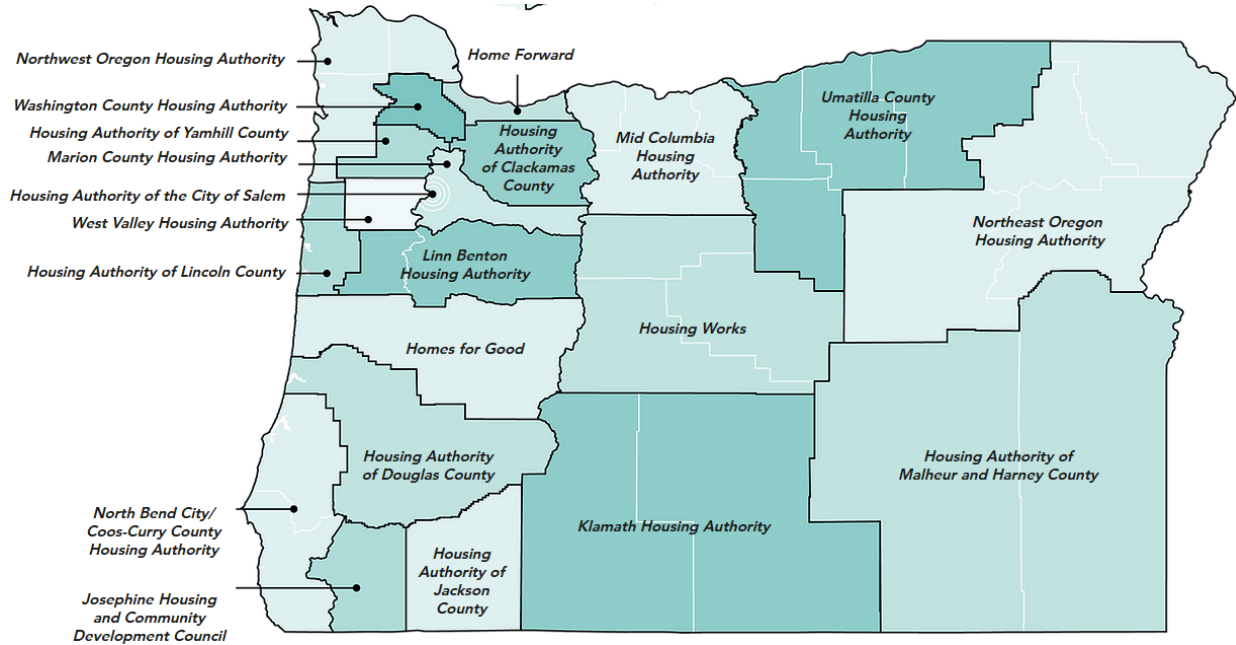


Exhibit A-1. Map of Housing Authorities



Data source: <https://www.housingauthoritiesoforegon.com/>

Exhibit A-2. Number of FED Filings by County (Circuit Courts Only)

| | FED Filings | | | | | Type of Court | |
|------------------------|---------------|---------------|--------------|--------------|---------------|---------------|---------|
| | 2018 | 2019 | 2020 | 2021 | 2022 | Circuit | Justice |
| Oregon | 18,250 | 18,675 | 6,119 | 7,947 | 18,900 | | |
| Baker ^a | 2 | 4 | 2 | 4 | 4 | | X |
| Benton | 172 | 167 | 61 | 141 | 327 | X | |
| Clackamas ^b | 390 | 375 | 184 | 190 | 291 | X | X |
| Clatsop | 178 | 171 | 73 | 94 | 189 | X | |
| Columbia | 150 | 138 | 64 | 64 | 169 | X | |
| Coos | 320 | 318 | 130 | 208 | 351 | X | |
| Crook | 78 | 106 | 51 | 48 | 62 | X | |
| Curry | 72 | 74 | 42 | 70 | 92 | X | |
| Deschutes | 573 | 558 | 220 | 247 | 420 | X | |
| Douglas ^b | 372 | 396 | 196 | 268 | 532 | X | X |
| Gilliam ^a | 1 | 0 | 0 | 0 | 1 | | X |
| Grant ^a | 0 | 0 | 0 | 1 | 0 | | X |
| Harney ^a | 0 | 2 | 0 | 0 | 1 | | X |
| Hood River | 35 | 16 | 14 | 9 | 28 | X | |
| Jackson | 1,230 | 1,094 | 444 | 521 | 1,047 | X | |
| Jefferson | 106 | 87 | 38 | 53 | 71 | X | |
| Josephine | 338 | 315 | 175 | 198 | 292 | X | |
| Klamath | 542 | 504 | 221 | 301 | 532 | X | |
| Lake | 21 | 28 | 19 | 15 | 26 | X | |
| Lane ^b | 1,741 | 1,699 | 526 | 736 | 1,651 | X | X |
| Lincoln | 191 | 164 | 72 | 124 | 191 | X | |
| Linn ^b | 430 | 409 | 127 | 277 | 501 | X | X |
| Malheur ^b | 41 | 42 | 22 | 24 | 49 | X | X |
| Marion ^b | 1,780 | 1,851 | 551 | 834 | 1,494 | X | X |
| Morrow ^b | 4 | 11 | 2 | 17 | 25 | X | X |
| Multnomah | 5,617 | 5,957 | 1,678 | 2,123 | 6,659 | X | |
| Polk | 370 | 343 | 101 | 147 | 372 | X | |
| Sherman ^a | 1 | 0 | 0 | 1 | 0 | | X |
| Tillamook ^b | 27 | 34 | 19 | 38 | 44 | X | X |
| Umatilla | 380 | 284 | 108 | 160 | 338 | X | |
| Union | 82 | 74 | 36 | 57 | 82 | X | |
| Wallowa | 21 | 10 | 3 | 10 | 9 | X | |
| Wasco | 80 | 77 | 29 | 39 | 60 | X | |
| Washington | 2,622 | 3,094 | 788 | 773 | 2,692 | X | |
| Wheeler ^a | 1 | 0 | 3 | 1 | 0 | | X |
| Yamhill | 282 | 273 | 120 | 154 | 298 | X | |

Data Source: OJD Odyssey System.

^a In this county, all FEDs are filed with the Justice Court. Only appeals are filed with County Circuit Court.^b In this county, FEDs can be filed at either the Justice Court or the County Circuit Court.

Exhibit A-3. Default Rates by County (Circuit Courts Only)

| | % FED Cases Ending by Tenant Default | | | | |
|----------------------|--------------------------------------|--------------|--------------|--------------|--------------|
| | 2018 | 2019 | 2020 | 2021 | 2022 |
| Oregon | 30.6% | 28.5% | 20.1% | 28.2% | 28.0% |
| Baker ^a | -- | -- | -- | -- | -- |
| Benton | 42.7% | 40.0% | 34.6% | 38.3% | 41.1% |
| Clackamas | 24.3% | 21.3% | 22.6% | 20.9% | 19.7% |
| Clatsop | 26.3% | 36.0% | 11.3% | 38.2% | 26.0% |
| Columbia | 18.4% | 26.8% | 7.8% | 15.2% | 22.8% |
| Coos | 28.1% | 19.5% | 17.7% | 18.5% | 20.8% |
| Crook | 22.8% | 23.0% | 17.2% | 25.0% | 24.5% |
| Curry | 48.6% | 32.4% | 35.1% | 40.7% | 36.3% |
| Deschutes | 47.9% | 22.8% | 14.4% | 20.9% | 26.0% |
| Douglas | 31.2% | 30.5% | 20.7% | 30.0% | 27.8% |
| Gilliam ^a | -- | -- | -- | -- | -- |
| Grant ^a | -- | -- | -- | -- | -- |
| Harney ^a | -- | -- | -- | -- | -- |
| Hood River | 32.4% | 13.3% | 33.3% | 50.0% | 34.8% |
| Jackson | 33.0% | 28.4% | 20.1% | 24.6% | 31.8% |
| Jefferson | 46.1% | 33.3% | 29.7% | 17.4% | 20.0% |
| Josephine | 43.4% | 39.9% | 32.9% | 42.0% | 42.0% |
| Klamath | 30.4% | 34.0% | 21.5% | 30.6% | 23.8% |
| Lake | 36.8% | 17.4% | 17.4% | 27.3% | 9.1% |
| Lane | 52.4% | 49.6% | 39.0% | 38.2% | 37.0% |
| Lincoln | 33.3% | 27.0% | 13.3% | 21.6% | 31.1% |
| Linn | 37.1% | 28.7% | 25.6% | 38.5% | 26.7% |
| Malheur | 39.5% | 36.1% | 33.3% | 30.0% | 38.3% |
| Marion | 25.3% | 24.7% | 10.1% | 22.7% | 33.9% |
| Morrow | 0.0% | 14.3% | 0.0% | 23.5% | 60.0% |
| Multnomah | 27.9% | 27.1% | 20.2% | 30.3% | 27.7% |
| Polk | 21.2% | 38.0% | 16.8% | 23.8% | 36.5% |
| Sherman ^a | -- | -- | -- | -- | -- |
| Tillamook | 10.3% | 23.3% | 18.8% | 23.3% | 25.0% |
| Umatilla | 28.9% | 29.7% | 14.8% | 18.4% | 31.6% |
| Union | 43.7% | 33.3% | 44.4% | 31.9% | 29.0% |
| Wallowa | 38.9% | 25.0% | 57.1% | 12.5% | 20.0% |
| Wasco | 28.8% | 32.9% | 23.3% | 12.9% | 31.0% |
| Washington | 21.7% | 20.2% | 18.2% | 26.8% | 21.5% |
| Wheeler ^a | -- | -- | -- | -- | -- |
| Yamhill | 30.1% | 32.1% | 29.2% | 21.6% | 17.5% |

Data Source: OJD Odyssey System.

^a Data are unavailable for counties where FED cases are filed with Justice Courts only.

Exhibit A-4. Number of Eviction Filings by County, July 2022 through June 2023

| | Number of FED Filings | Number of FED Filings per 100 Rental Units |
|--|-----------------------|--|
| Circuit Court Counties^a | | |
| Benton | 356 | 2 per 100 rental units |
| Clatsop | 197 | 3 per 100 rental units |
| Columbia | 151 | 3 per 100 rental units |
| Coos | 380 | 4 per 100 rental units |
| Crook | 73 | 3 per 100 rental units |
| Curry | 80 | 3 per 100 rental units |
| Deschutes | 467 | 2 per 100 rental units |
| Hood River | 21 | 1 per 100 rental units |
| Jackson | 1,217 | 4 per 100 rental units |
| Jefferson | 71 | 3 per 100 rental units |
| Josephine | 321 | 3 per 100 rental units |
| Klamath | 526 | 5 per 100 rental units |
| Lake | 34 | 3 per 100 rental units |
| Lincoln | 218 | 3 per 100 rental units |
| Multnomah | 8,383 | 5 per 100 rental units |
| Polk | 428 | 4 per 100 rental units |
| Umatilla | 355 | 4 per 100 rental units |
| Union | 104 | 3 per 100 rental units |
| Wallowa | 13 | 1 per 100 rental units |
| Wasco | 69 | 2 per 100 rental units |
| Washington | 3,429 | 4 per 100 rental units |
| Yamhill | 330 | 3 per 100 rental units |
| Multiple Court Systems Counties^b | | |
| Clackamas | 306 | 1 per 100 rental units |
| Douglas | 581 | 4 per 100 rental units |
| Lane | 1,902 | 3 per 100 rental units |
| Linn | 539 | 3 per 100 rental units |
| Malheur | 74 | 2 per 100 rental units |
| Marion | 1,641 | 3 per 100 rental units |
| Morrow | 18 | 2 per 100 rental units |
| Tillamook | 44 | 1 per 100 rental units |

Data Source: PSU Evicted in Oregon project.

^a Total number of filings in county, because all FEDs are filed in County Circuit Court.

^b Partial number of filings in county, because FEDs can be filed in County Circuit Court or Justice Court. Numbers reflect only filings in the Circuit Court.

^c Data are unavailable for counties where FED cases are filed with Justice Courts only: Baker, Gilliam, Grant, Harney, Sherman, and Wheeler.

Exhibit A-5. Current Legal and Legal-Adjacent Programs Supporting Eviction Defense Services

| LEGAL SERVICES AND LEGAL INFORMATION | |
|---|---|
| Program: | Eviction Defense Project (EDP) |
| Description: | Hotline operated by paralegals who screen for project eligibility. Eligible tenants are referred for legal services (range of services from advice to representation). |
| Providers: | Oregon Law Center (OLC) runs hotline, provides project management and attorney supervision. OLC, Legal Aid Services of Oregon (LASO), and Center for Nonprofit Legal Services (CNPLS) attorneys provide legal services. |
| Service area: | Statewide |
| Eligibility: | 125% FPL Active cases with specific restrictions: - Does not serve cases in the notice stage (complaint must be filed), and - Does not serve straight nonpayment cases (case must be assessed to have merit) |
| Funding: | OHCS funds 17 attorney FTE and 4 paralegals Multnomah County funds 2 attorney FTE and 1 paralegal (see below) City of Portland funds 2 attorney FTE and 2 paralegals (see below) |
| Program: | Multnomah County Eviction Defense |
| Description: | Legal services for renters (range of services from advice to representation). Funds also cover 211 for referrals to legal services and Bienestar de la Familia as a rental assistance provider. |
| Providers: | OLC and Metropolitan Public Defender (MPD) attorneys provide legal services. |
| Service area: | Multnomah County |
| Eligibility: | OLC: 125% FPL, active case, no straight nonpayment cases MPD: 80% AMI, active or notice case, any type of case (including nonpayment) |
| Funding: | At MPD: 1.5 attorney FTE, a legal assistant, and small pot of rental assistance (\$40k) At OLC (all included in EDP counts above): 2.0 attorney FTE, 1 paralegal |
| Program: | Portland Housing Bureau's Eviction Legal Defense Project (ELD) |
| Description: | Legal services for renters at risk of eviction. Also funds United Way to provide rental assistance. |
| Providers: | OLC and MPD provide legal services. PCC Clear Clinic provides legal services in the notice stage. |
| Service area: | City of Portland |
| Eligibility: | OLC: 125% FPL, active case, no straight nonpayment cases MPD: 80% AMI, active or notice case, any type of case (including nonpayment) PCC: 80% AMI, notice case, any type of case (including nonpayment) |
| Funding: | At MPD: 2 attorney FTE At PCC: 1.5 attorney FTE At OLC (all included in the EDP counts above): 2 attorney FTE, 2 paralegals |
| Program: | Day-of-Court Legal Services Pilot Project |
| Description: | Attorneys attend eviction docket at Multnomah County Circuit Court and Clackamas County Justice Court and assist tenants at court that day. |
| Providers: | The Commons Law Center |
| Service area: | Multnomah County, Clackamas County |
| Eligibility: | 400% AMI |
| Funding: | None |
| Program: | Regional Legal Aid offices |
| Description: | Typical legal aid services available through regional offices with case types determined locally through priority-setting process |

| | |
|--------------------------------|--|
| Providers: | OLC, LASO, CNPLS (Jackson County) |
| Service area: | Statewide, broken out by region |
| Eligibility: | 125% FPL, Priority for active cases with legal defenses |
| Funding: | General funding for regional offices |
| Program: | LASO Housing Notice Clinic |
| Description: | Pro bono attorneys provide legal advice to tenants during the notice stage. |
| Providers: | Pro bono attorneys managed by LASO |
| Service area: | All areas served by LASO regional offices |
| Eligibility: | 125% FPL and a written eviction notice, referral come through LASO regional offices |
| Funding: | General funding |
| Program: | Oregon State Bar (OSB) Lawyer Referral Service |
| Description: | Program fields calls and emails from Oregonians looking for an attorney and refers them to the attorney closest to them who handles the type of legal issue they have. |
| Providers: | OSB manages the program and refers to private attorneys all over the state. |
| Service area: | Statewide |
| Eligibility: | No criteria |
| Funding: | OSB, lawyer remittance fees |
| Program: | OSB Modest Means Program |
| Description: | OSB recruits private attorneys who are willing to provide reduced-fee legal services and refers eligible callers to these attorneys. |
| Providers: | Private attorneys willing to work for reduced rates |
| Service area: | Statewide |
| Eligibility: | 400% FPL |
| Funding: | OSB, OHCS (OHCS grant ends Dec 2023) |
| Program: | OSB Free Legal Answers Program |
| Description: | OSB recruits pro bono attorneys who provide free legal advice online by responding to legal questions from Oregonians |
| Providers: | Pro bono attorneys |
| Service area: | Statewide |
| Eligibility: | 400% FPL |
| Funding: | OSB Access to Justice funding |
| | Available Legal Information |
| Description: | <p>There are multiple sources of online legal information, including:</p> <ul style="list-style-type: none"> - Oregon Law Help (www.oregonlawhelp.org), including Oregon Renters' Rights website - OSB Legal Information Topics (www.osbar.org/public/legalinfo/landlordtenant.html) - Oregon Judicial Branch website (www.courts.oregon.gov/help/Pages/landlord-tenant.aspx) - Portland Housing Bureau's Rental Services Office (www.portland.gov/phb/rental-services) <p>*OSB's redesigned OregonLawHelp website will launch in Fall 2023, which will consolidate and streamline the existing informational platforms.</p> |
| LEGAL-ADJACENT SERVICES | |
| Program Type: | Tenant Organizations |
| Description: | Community Alliance of Tenants (CAT) is a tenant-controlled, tenant rights organization that focuses on tenant education, tenant advocacy, and tenant organizing. Its tenant education efforts include a wide range of activities to provide legal information and support to tenants, |

| | |
|----------------------|---|
| | including hosting the Renter’s Rights hotline, conducting community workshops and webinars, and creating and distributing brochures. It also refers tenants to legal services providers. Springfield-Eugene Tenant Association (SETA) is a tenant rights organization that focuses on tenant education and tenant organizing in Lane County. |
| Program Type: | Mediation |
| Description: | <p>Several mediation programs exist across the state, but they vary in terms of the host organization, the extent to which they are affiliated with the local court, the point at which they connect with litigants, the background and experience of the neutral party, and whether mediation is connected to any other ancillary services. OJD indicates that 11 County Circuit Courts have an affiliated mediation program for eviction cases. Some of these programs are managed by the court and some are run by community-based organizations.</p> <p>From July 2022 to June 2023, the Eviction Prevention Mediation Demonstration Program funded 5 community dispute resolution centers (CDRC). The program offered free mediation (when both parties participated) and free conflict coaching (when only one party sought help) for disputes between renters and housing providers. Each resolution center developed its own local approach, and program structures varied.</p> |
| Program Type: | Rental Assistance |
| Description: | <p>Rental assistance, funded by OHCS, has been made available through multiple programs since 2021. Each of these programs has unique eligibility criteria and parameters regarding the total amount of assistance that can be disbursed and for what purpose (e.g., rent arrears, utility costs, future rent).</p> <ul style="list-style-type: none"> • <i>Oregon Emergency Rental Assistance Program (OERAP)</i>. Tenants were eligible if they had a household income of not more than 80% AMI, although priority was given to households at or below 50% AMI. • <i>Eviction Prevention Rapid Response (EPRR)</i>. Tenants are eligible if they have an active eviction case. There is no income eligibility requirement. • <i>Oregon Eviction Diversion and Prevention Program (ORE-DAP)</i>. CAAs provide rental assistance to tenants whose household incomes are less than 80% AMI, and those with active eviction cases are prioritized for help. • OHCS has also provided Lane and Multnomah Counties with funds to support local rental assistance programs, administered through community partners. |

Exhibit A-6. Number of Eviction Cases Disposed by Circuit Courts and Number of Cases Provided Legal Services by Region, 2019 to June 2023

| | Bend | Coos Bay | Douglas | Grants Pass | Hills-boro | Jackson | Klamath | Lane | Lincoln | Ontario | Pendle-ton | Portland | Salem, Albany |
|---------------------------------|------|------------------|-------------------|-------------------|-------------------|--------------------|-------------------|-------------------|-------------------|---------|-------------------|------------------------------|-------------------------|
| Legal Services Providers | LASO | OLC ^b | LASO ^b | OLC ^{ab} | OLC ^{ab} | CNPLS ^b | LASO ^a | OLC ^{ab} | LASO ^b | OLC | LASO ^b | OLC, LASO, PCC, MPD, Commons | OLC, LASO ^{ab} |
| 2023 (Jan – June) | | | | | | | | | | | | | |
| # Cases Served | 39 | 24 | 7 | 17 | 71 | 75 | 1 | 57 | 7 | *6 | *10 | 960 | 41 |
| Of those served: | | | | | | | | | | | | | |
| <i>Advice or Brief Services</i> | 74% | 42% | 29% | 64% | 58% | 79% | 100% | 63% | 14% | 50% | 30% | 35% | 51% |
| <i>Negotiation without Lit.</i> | 0% | 8% | 0% | 12% | 11% | 0% | 0% | 9% | 14% | 0% | 0% | 14% | 17% |
| <i>Negotiation with Lit.</i> | 23% | 21% | 57% | 18% | 13% | 16% | 0% | 7% | 29% | 50% | 30% | 46% | 20% |
| <i>Representation in Court</i> | 3% | 29% | 0% | 6% | 9% | 5% | 0% | 16% | 43% | 0% | 40% | 4% | 7% |
| <i>Other Extensive Service</i> | 0% | 0% | 14% | 0% | 9% | 0% | 0% | 5% | 0% | 0% | 0% | 1% | 5% |
| 2022 | | | | | | | | | | | | | |
| # FED Cases Disposed | 471 | 442 | 400 | 262 | 3,202 | 759 | 502 | 1,377 | 106 | *52 | *324 | 6,722 | 1,960 |
| # Cases Served | 120 | 23 | 37 | 47 | 98 | 121 | 6 | 45 | 21 | *11 | *22 | 1,005 | 114 |
| % of Disposed Cases | 25% | 5% | 9% | 18% | 3% | 16% | 1% | 3% | 20% | -- | -- | 15% | 6% |
| Of those served: | | | | | | | | | | | | | |
| <i>Advice or Brief Services</i> | 61% | 62% | 24% | 85% | 55% | 68% | 50% | 53% | 36% | 54% | 50% | 50% | 35% |
| <i>Negotiation without Lit.</i> | 0% | 14% | 3% | 0% | 8% | 24% | 0% | 8% | 32% | 9% | 0% | 15% | 14% |
| <i>Negotiation with Lit.</i> | 29% | 24% | 29% | 2% | 22% | 4% | 0% | 15% | 32% | 28% | 31% | 24% | 39% |
| <i>Representation in Court</i> | 10% | 0% | 41% | 13% | 11% | 2% | 33% | 25% | 0% | 9% | 19% | 6% | 8% |
| <i>Other Extensive Service</i> | 0% | 0% | 3% | 0% | 2% | 2% | 17% | 0% | 0% | 0% | 0% | 5% | 4% |
| 2021 | | | | | | | | | | | | | |
| # FED Cases Disposed | 309 | 243 | 207 | 176 | 931 | 483 | 256 | 581 | 88 | *24 | *198 | 1,971 | 1,372 |
| # Cases Served | 34 | 23 | 28 | 33 | 106 | 40 | 3 | 25 | 5 | *8 | *2 | 529 | 56 |
| % of Disposed Cases | 11% | 9% | 14% | 19% | 12% | 8% | 1% | 4% | 6% | -- | -- | 27% | 4% |
| Of those served: | | | | | | | | | | | | | |
| <i>Advice or Brief Services</i> | 61% | 74% | 46% | 82% | 69% | 82% | 50% | 65% | 20% | 87% | 100% | 52% | 48% |
| <i>Negotiation without Lit.</i> | 9% | 0% | 0% | 9% | 9% | 15% | 0% | 22% | 20% | 0% | 0% | 16% | 23% |
| <i>Negotiation with Lit.</i> | 21% | 26% | 4% | 3% | 17% | 0% | 50% | 13% | 40% | 13% | 0% | 24% | 17% |
| <i>Representation in Court</i> | 9% | 0% | 32% | 3% | 1% | 0% | 0% | 0% | 20% | 0% | 0% | 5% | 10% |
| <i>Other Extensive Service</i> | 0% | 0% | 18% | 3% | 4% | 3% | 0% | 0% | 0% | 0% | 0% | 3% | 2% |

Table continued on next page

| | Bend | Coos Bay | Douglas | Grants Pass | Hillsboro | Jackson | Klamath | Lane | Lincoln | Ontario | Pendleton | Portland | Salem, Albany |
|---------------------------------|------|----------|---------|-------------|-----------|---------|---------|-------|---------|---------|-----------|-----------|---------------|
| Legal Services Providers | LASO | OLC | LASO | OLC | OLC | CNPLS | LASO | OLC | LASO | OLC | LASO | OLC, LASO | OLC, LASO |
| 2020 | | | | | | | | | | | | | |
| # FED Cases Disposed | 421 | 184 | 246 | 173 | 1,307 | 636 | 293 | 508 | 98 | *21 | *178 | 1,970 | 1,428 |
| # Cases Served | 18 | 10 | 13 | 26 | 37 | 67 | 1 | 6 | 7 | *5 | *4 | 133 | 18 |
| % of Disposed Cases | 4% | 5% | 5% | 15% | 3% | 11% | <1% | 1% | 7% | -- | -- | 7% | 1% |
| Of those served: | | | | | | | | | | | | | |
| <i>Advice or Brief Services</i> | 77% | 100% | 31% | 100% | 97% | 83% | 100% | 50% | 86% | 40% | 25% | 51% | 54% |
| <i>Negotiation without Lit.</i> | 6% | 0% | 0% | 0% | 0% | 15% | 0% | 33% | 0% | 40% | 25% | 8% | 17% |
| <i>Negotiation with Lit.</i> | 6% | 0% | 31% | 0% | 0% | 2% | 0% | 0% | 14% | 20% | 50% | 14% | 17% |
| <i>Representation in Court</i> | 11% | 0% | 15% | 0% | 3% | 0% | 0% | 17% | 0% | 0% | 0% | 25% | 6% |
| <i>Other Extensive Service</i> | 0% | 0% | 23% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | 2% | 6% |
| 2019 | | | | | | | | | | | | | |
| # FED Cases Disposed | 680 | 373 | 394 | 313 | 3,519 | 953 | 449 | 1,701 | 148 | *40 | *365 | 6,384 | 2,312 |
| # Cases Served | 12 | 10 | 8 | 35 | 26 | 65 | 1 | 15 | 7 | *1 | *1 | 183 | 31 |
| % of Disposed Cases | 2% | 3% | 2% | 11% | 1% | 7% | <1% | 1% | 5% | -- | -- | 3% | 1% |
| Of those served: | | | | | | | | | | | | | |
| <i>Advice or Brief Services</i> | 83% | 80% | 13% | 91% | 88% | 94% | 0% | 46% | 57% | 0% | 0% | 62% | 67% |
| <i>Negotiation without Lit.</i> | 0% | 0% | 0% | 0% | 4% | 5% | 0% | 20% | 29% | 0% | 0% | 11% | 10% |
| <i>Negotiation with Lit.</i> | 0% | 20% | 37% | 3% | 4% | 0% | 0% | 20% | 14% | 100% | 0% | 23% | 10% |
| <i>Representation in Court</i> | 17% | 0% | 25% | 3% | 0% | 0% | 100% | 14% | 0% | 0% | 100% | 1% | 10% |
| <i>Other Extensive Service</i> | 0% | 0% | 25% | 3% | 4% | 1% | 0% | 0% | 0% | 0% | 0% | 3% | 3% |

OLC = Oregon Law Center. LASO = Legal Aid Services of Oregon. CNPLS = Center for Nonprofit Legal Services. MPD = Metropolitan Public Defender. PCC = PCC Clear Clinic.

Commons = The Commons Law Center. "Negotiation without Lit." = settling a case before a complaint is filed. "Negotiation with Lit." = settling a case after a complaint is filed.

Regions include different counties: **Bend Region:** Crook, Deschutes, Jefferson. **Coos Bay Region:** Coos, Curry, western Douglas. **Douglas Region:** Douglas. **Grants Pass Region:** Josephine. **Hillsboro Region:** Clatsop, Columbia, Tillamook, Washington, Yamhill. **Jackson Region:** Jackson. **Klamath Region:** Klamath, Lake. **Lane Region:** Lane. **Lincoln Region:** Lincoln. **Ontario Region:** Baker, Grant, Harney, Malheur. **Pendleton Region:** Gilliam, Morrow, Umatilla, Union, Wallowa, Wheeler. **Portland Region:** Multnomah, Clackamas, Hood River, Sherman, Wasco. **Salem and Albany Regions:** Benton, Linn, Marion, Polk.

*Ontario and Pendleton regions include multiple counties in which FED cases are heard in Justice Courts. Therefore, the number of FED cases disposed is significantly underestimated, reflecting only one or two counties within the region.

Data sources: Number of cases disposed (by courts) are from OJD (unavailable for Jan-June 2023). Number of cases served and services provided are from each legal services organization (cases included in the analyses are those that were coded as private landlord-tenant matters or evictions).

^a In 2021, Commons served 1 case in Grants Pass, 7 cases in Hillsboro, 1 case in Klamath, 2 cases in Lane, and 1 case in Salem regions.

^a In 2022, Commons served 2 cases in Coos Bay, 3 cases in Douglas, 15 cases in Hillsboro, 2 cases in Jackson, 2 cases in Lincoln, 1 case in Pendleton, and 5 cases in Salem regions.