

Evictions

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apartment.

He spent the next nine months living in his car – but didn't have to.

In Oregon, renters have from 32 to 53 days before they are locked out of their rental under the law, and there are many ways for them to get help. But like a lot of renters, Kamis didn't know his rights.

"People are not evicted by the eviction notice," said Kim McCarty, executive director for the Community Alliance of Tenants.

And with significant financial and legal resources available because of the COVID-19 pandemic, there are more options for help than there ever have been.

Sybil Hebb, director of legislative and policy advocacy for the Oregon Law Center, points to national studies that show that about 20% of people who receive eviction notices leave their homes immediately, much like Kamis did.

Advocates say that preventing evictions has become preventing homelessness.

Between the increasing cost of rent – the average for a two-bedroom apartment in Salem is over \$1,400 – and a low rate of available places to rent, there aren't many options to get someone back into a place once they're out.

"An eviction is essentially two steps out the door to homelessness," said Jimmy Jones, executive director of Mid-Willamette Valley Community Action Agency.

Evictions are trending up in Oregon

In the past 12 months, an increasing number of Oregonians are getting evicted for not paying their rent.

Before the pandemic, there were about 1,500 eviction filings per month in Oregon, Hebb said.

In April 2021, Gov. Kate Brown placed a moratorium on evictions for non-payment as thousands of people were put out of work. That was extended to June 30, 2021 by state lawmakers.

With that long expired and other protections going away, evictions are creeping back up.

In July 2021, there were 361 evictions in Oregon. By November that had gone up to 566. In May 2022, there were 1,267.

Evictions for behavioral issues have been allowed throughout the pandemic. There is a different process for those types of evictions than for evictions based on lack of payment.

Landlords don't like evictions, according to Deborah Imse, executive director of Multifamily NW.

It costs landlords money to evict a renter. Between court costs, paying to have a unit cleaned, screening new tenants and little chance of recovering back owed rent once the tenant is gone, it's advantageous for housing providers to keep their tenants, she said.

"The eviction is the last resort, and it's the last resort for a couple of reasons," Imse said. "The first being that providers want to house people, or they wouldn't be in this industry. So they want to house people and they don't want vacant units."

Imse said landlords try to communicate with tenants who are past due with rent, and the eviction notice is the last resort to get the tenant to respond.

McCarty said the apartment rental industry is not as heavily regulated as those for home or car ownership. A person can be renting a spare room from a relative or living on a friend's property in a recreational vehicle without any written contract. Tenants often don't learn their rights.

What do you do if you receive an eviction notice?

Hebb said when a tenant receives a 10-day eviction notice for non-payment, the first thing they should do is apply for rent assistance.

Until June 30, renters who can provide proof that they have applied for rent assistance cannot be evicted while the application is being processed, or until September 30.

Even after June 30, there still will be financial assistance available, and renters should apply for it.

Hebb says a renter who applies for assistance after that should provide their landlord with proof they applied whether they are legally protected from eviction or not.

In Oregon, housing providers can assess late fees on rent that is past due on the fifth day of the month. On the eighth day, the landlord can give a 10-day termination notice for unpaid rent. By law, the notice must include information about rent assistance.

At the end of the 10 days, the landlord can file an eviction case in court. The summons is then served to the tenant. The state requires the first appearance be scheduled within seven days after the filing.

If the tenant appears in court and files an answer, the case is scheduled for trial. Under state law, the trial must be scheduled within 15 days of the first appearance.

If the tenant loses at trial, the county sheriff's office will serve a notice of restitution, which gives the tenant four days to move or be locked out.

Marion County Sheriff's spokesperson Jeremy Landers said the department usually schedules the eviction a week to a week and a half later.

"The landlord is not supposed to change the locks, it's supposed to be done by the sheriff's," Hebb said. "Our state law basically discourages the parties from doing that to one another, and that's something that ought to be navigated by a sheriff under order from the court so there's a third party and it's not something that is arbitrary."

That means a tenant will have from a month to a month and a half after the first eviction notice before they are locked out.

Financial help available to renters

Advocates for tenants and housing providers agree that if someone gets an eviction notice, the tenant should propose a payment plan.

If they can't come to terms, there is financial help available.

"And that's not always been the case," Jones said. "It's certainly been the case for the past two years."

The state paid \$363 million in rent assistance from federal and state funds to over 55,000 people since 2021. Local municipalities have spent millions more.

The state's program is closed to new applications and likely won't reopen, said Oregon Housing and Community Services spokesperson Delia Hernandez.

But the state is offering more money to help people who were previously approved for it, but didn't use the full 11 months of rent money to which they are entitled.

"We got feedback from community that that was one segment of the population that did need extra additional help," Hernandez said.

There is still assistance available at the local level.

Marion County has an emergency rental assistance program with funds coming from the federal government. Renters can apply for assistance at <https://www.co.marion.or.us/BOC/CD/Pages/rentalassistance.aspx> or call 1-833-227-5161 for help.

Renters in Marion and Polk counties can also get help from Mid-Willamette Community Action Agency. Renters

can go to <https://mwvcaa.org/> or call 503-585-6232.

"There's still rental assistance available in the community," Jones said.

Legal help available to renters

Most people who receive an eviction notice never go to court. By not going to court, they've lost.

"And I think that's because tenants do a lot to try to avoid having their name cited in the court plea," Hebb said. "They're worried about court and many people leave before a filing is ever made because they worry about the ramifications."

Jones said some people who receive the notice may choose to walk away for reasons like previous trouble with the law or immigration status. They may be afraid of the court system.

"And then the other thing we don't talk about frankly is that low income individuals over time get system trauma," Jones said.

Hebb said people with low income can get help through the Oregon Law Center's Eviction Defense Project at <https://oregonlawcenter.org/eviction-defense-project/>

Those with moderate income can get help through the Oregon State Bar's Modest Means program at https://www.osbar.org/_docs/public/diy/modestmeansapp.pdf

Jones said a staff member from Mid-Willamette Valley Community Action Agency is sent to courts in Marion and Polk counties when evictions are taking place to help people, especially those who are in danger of eviction due to non-payment.

Some tenants worry that if they are evicted they will have that on their record and it will be more difficult to rent their next apartment or home.

Hebb said tenants have the right to ask for expungement of eviction records, though it is difficult to do. She said there is an attorney in Portland, Leni Tupper, who runs a clinic <https://www.pcc.edu/clear-clinic/> for tenants in Portland.

"People don't know their rights because the system is set up intentionally so that they don't know their rights," McCarty said. "The landlord does not set you down necessarily and explain your rights to you, necessarily. The document that's offered is in small print."

"And the system is designed to make you feel like you're not co-equals in the contract. So even when you get that

contract, it's already implied that you're not equals and that your contract really doesn't give you power to negotiate with your landlord."

From living in his car to back in an apartment

Kamis admits he was like a lot of renters and didn't know his rights.

He had been homeless at one point in his life, but before the pandemic he had gotten his life together and was working on a cruise ship based out of Hawaii. Then the pandemic hit, and he was laid off. After returning to Oregon, he lived with a family member for a few months then moved into his own apartment in West Salem.

But his unemployment payments were cut off as there was a disagreement whether he could claim Oregon or Hawaii.

Kamis worked at a couple of jobs for a few weeks at a time early in the pandemic, but they didn't last. The most steady gig he held was volunteering at a church in East Salem, assembling and distributing boxes of food.

"The community that got food, especially during COVID, we had like 200 families that would come through," Kamis said.

He did that while living in his car, spending his few dollars to wash his clothes so he could try to get or keep a job.

After he left his apartment following the eviction notice, Kamis tried to get help by any method possible.

He talked with any group he could think of, from non-profits to the governor's office. It took Sen. Ron Wyden's office to get involved so he could get back into an apartment in March.

He wants to help people who were in similar situations. He learned in the hardest way possible what to do when a tenant receives an eviction notice.

"Communicate with the landlord, but then immediately start seeking legal advice. Immediately. Right after you hang that damn phone up. It's finding the right people who will help you. They choose who they help," Kamis said.

"That's where I would go. But I would tell them to be very respectful, but vocal and advocate for themselves when they go to get an advocate because if they're quiet, they're not going to get nowhere. They have to explain their situation and how dire it is."

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Toxin

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ble people not to drink the contaminated water.

Dreher said scientists knew these toxins had been produced in Detroit Lake previously, "but now we know the precise toxin types and the organisms making them."

Dreher's research team also found microcystin in Odell Lake in the Cascades, Lake Billy Chinook in Central Oregon and Junipers Reservoir in Southern Oregon, where 30 steers died in 2017 from drinking toxic water.

The team found the same type of cyanobacteria had caused harmful algal blooms in all four of those lakes.

Cyanobacteria are found in all kinds of water bodies, and they can quickly multiply into harmful algae blooms with warm water temperatures and excess nutrients that can come from fertilizer runoff. Some strains of cyanobacteria can produce neurotoxins, and most toxin-producing algae can cause gastrointestinal illness and skin rashes.

A survey by the Environmental Protection Agency in 2007 found the toxin microcystin in one out of every three lakes sampled across the country.

Dreher ran a lab focused on harmful algal blooms at OSU for more than a decade and is still working on the problem in retirement.

"It's an ecological dysfunction that you can see from satellite images from space and is causing a lot of concern worldwide," he said. "We've seen much more of these and much bigger events, more frequent events, longer events of visible blooms that are stinky and that can be toxic."

Scientists are anticipating even more harmful algal blooms with the warmer water temperatures that come with climate change.

"The good news is that not every cyanobacterial bloom that occurs in our lakes is toxic, although it is always wise to follow the rule of avoiding contact when there's green growth in the water," Dreher said.

If a person or a pet comes in contact with water that may contain harmful cyanobacteria, the Centers for Disease Control and Prevention recommends immediately rinsing off with fresh water. Dogs should not be allowed to lick the contaminated water off their fur, and a veterinarian should be called right away.

Anyone swallowing water near a harmful algal bloom should immediately call a doctor or poison control center.

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