

# Fighting the Waves of Eviction!

## The Commons Law Center stands in support of Eviction Representation

At The Commons Law Center (TCLC), we have been fighting the wave of evictions since August 2021 by providing eviction defense for Oregon tenants. Since the start of April, our 501(c)(3) law firm, with an underfunded tenant law program consisting of two attorneys, has engaged 80 clients – out of 842 eviction cases in Multnomah County. We did this by going to the courthouse, talking to tenants about their cases and their legal rights, and ensuring tenants had the proper guidance to get the best outcome out of a difficult situation. We see how representation provides life-altering protections and peace of mind for tenants facing eviction. Implementing Eviction Representation for All would have several potential benefits for Portlanders: Fairness and Equality - ERA ensures tenants facing eviction have access to legal representation, regardless of income level. Most tenants are unaware of the complexities of tenant law and lack the resources to hire an attorney which puts them at a severe disadvantage. According to a study by Portland State University's Center for Urban Studies, since 2021 landlords have been represented in court 53% of the time compared to just 9% for tenants. This measure would level the playing field and promote fairness in the legal process and make it more efficient and productive for those involved. Increased Housing Stability - With access to legal representation, tenants are more likely to understand their rights and have a stronger defense against avoidable evictions.

This increased legal support can lead to more favorable outcomes, including negotiated settlements, extended move-out timelines, or avoiding eviction altogether. Reduction in Homelessness - ERA can help prevent homelessness by providing tenants with the necessary tools to fight against unwarranted or unlawful evictions. By enabling tenants to navigate the legal system effectively, more individuals and families can stay in their homes and avoid the trauma and upheaval associated with becoming homeless. This, in turn, reduces the burden on social services and



The push for representation for all is part of the efforts to reduce homelessness

shelters in the city. Mitigation of Displacement and Gentrification - Portland has long faced challenges related to displacement and gentrification, where racially diverse and marginalized communities are disproportionately affected. An article published by ERA on how ERA will impact the BIPOC community states, "Compared with white renters, Black women are more than twice as likely to have an eviction filed against them. Latinx renters are close behind, and women of all ethnicities are more likely than men to face eviction."

Measure 26-238 can slow down the displacement of marginalized communities and contribute to maintaining the city's socioeconomic diversity. TCLC sees in real time how the legal system perpetuates harm and how everyday Portlanders can fall victim to the wave of evictions sweeping the city. Opponents of the measure, including the Portland City Council, Metro Council President Lynn Peterson, and Multnomah County Chair Jessica Vega Pederson voice concerns about the capital gains tax and how it might affect investment in Portland. This is not an issue that would impact the everyday Portlander. A study by Oregon Center for Public Policy states that as of 2020, Oregon's wealthiest 5% brought in 84% of all capital gains income in the state. A minimal impact on the wealthiest Portland residents is a logical source of funding to support the large percentage of people struggling to make ends meet and not slide further into poverty and instability. Another

argument made by opponents of the measure is that Portland already has resources available to help tenants, like the Supportive Housing Services funding and other programs assisting tenants, so why is ERA needed? Well, if this issue was resolved, tenants would not have a representation rate of just 9%. Many of the clients we engage at the courthouse had already sought out at least one legal service provider and were turned away due to timing, scope or capacity and thus appeared at the courthouse without representation. Dedicated funding is a key aspect of this: In Oregon, the state can't sufficiently fund public defense services, so without a specific tax and resource allocation right to counsel in eviction proceedings could suffer the same fate. According to a statement by Eviction Representation for All, "Our program intervenes early, provides crisis rental assistance, and provides universal coverage. This means no tenants will be turned away or told they don't qualify." Dedicated funding is critical because Oregon has a dearth of practitioners available to help tenants, growing though it may be. Oregon adopted a licensed paralegal program to help Oregonians with family and tenant law matters access legal advice from more than just lawyers. This winter we taught Oregon's first collaborative tenant eviction defense class with Oregon's three law schools, which generated a waitlist at all 3 institutions.

To shift the market economics of creating enough practitioners to meet the public's need and pre-


vent homelessness by preventing avoidable evictions, it will take investment in administrative capacity; that is needed to make most things run well. Let's not let the perfect be the enemy of the good on this measure. By ensuring that all tenants, regardless of income, have access to legal representation, Eviction Representation for All in Portland will be an important piece of the puzzle to foster fairness, housing stability, homelessness prevention, community preservation, and


improved access to justice. It would bridge the justice gap and address the imbalance of power between landlords and tenants. This approach aligns with the principles of social justice and human rights by providing equal opportunities for individuals to defend their rights and interests. By addressing the power dynamics in eviction cases in a way that is cost-effective in the long run, the initiative can contribute to a more just and inclusive city for all Portlanders.

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