

# Eviction Representation for All: Policy Overview

**EXECUTIVE SUMMARY:** Eviction Representation for All (ERA) is a Right to Counsel program designed to provide free legal representation for every tenant in eviction court in Multnomah County. It is a universal program that protects everyone, regardless of income, funded by a less than 1% increase in capital gains tax. Services begin at the first notice of termination, and will be provided by trusted community-based organizations and nonprofit law firms. In addition to legal representation, ERA creates an ecosystem of eviction prevention strategies, including outreach, education, oversight, and support, housed within a Tenant Resource Office in the Department of Human Services.

## ■ **Who Qualifies?**

**Anyone at risk of being evicted from their home**

- Currently, tenants overwhelmingly represent themselves in eviction court.
- By not means testing, there are far fewer barriers to access legal counsel and less administrative burden on the county. A universal program saves money while providing access for all.
- Legal counsel would begin at the first notice of termination, before a complaint is filed with the court. This early intervention will prevent “self-evictions” and default judgments when tenants don’t make their court appearance due to work, childcare obligations, or an emergency.

## ■ **Who provides the legal representation?**

**Community-based organizations & nonprofit law firms**

- Multnomah County’s most trusted community-based organizations can contract with the TRO to add eviction representation to their services; building on strong existing connections to their communities.
- ERA creates good paying and rewarding work for tenant lawyers, paralegals, outreach workers, and tenant educators in Multnomah county.

## ■ **Who administers the program?**

**The Tenant Resource Office**

- The ERA program would be administered and managed through the establishment of the Tenant Resource Office (TRO), operating within the Department of Human Services. The TRO would:
  - Contract with local nonprofit organizations to provide legal representation
  - Conduct outreach to qualifying tenants
  - Provide tenant education, eviction prevention programming, and run a rental registry
  - Manage crisis rental assistance and prevailing party fee funds

## ■ **How will we pay for it?**

**An increase of less than 1% on the capital gains tax**

- Without a dedicated revenue stream, Right to Counsel programs are unfunded or have to secure funding through the budgetary process. This small increase in capital gains tax will provide long-term stability, ensuring that the program is here to stay.
- ERA’s revenue stream won’t be passed on to tenants in the form of rent hikes.

**“ Tenants need attorneys in eviction cases to mitigate the power imbalances in the landlord-tenant relationship that are exacerbated in court. An effective civil right to counsel would provide legal counsel, at no expense, for eviction cases and would assign that attorney as early as possible to avoid tenant default. ”**

— Lisa K. Bates, Ph.D., Portland State University, Oregon’s Safe Harbor For Tenants: Rocky Shoals in Eviction Diversion

# Why does Multnomah County need Eviction Representation for All?

## Lawyers keep proceedings fair

Without an in-depth knowledge of the legal system, tenants are vulnerable to procedural tricks, abusive conduct, predatory contracts, and intimidation in court. In 2019 and 2020, landlords were 10-15 times more likely than tenants to have a lawyer in Multnomah County.

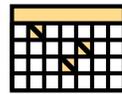
For every 15 landlords with a lawyer



Only 1 tenant has a lawyer

## Evictions are costly to tenants

Attending housing court involves taking time off from work, arranging for childcare, and transportation costs if attending in person. On top of that, administrative and filing fees present an additional financial obstacle. And thanks to Oregon's "prevailing party fees", tenants who do choose to represent themselves in court and lose their case are required to pay potentially thousands of dollars to cover the legal fees of their landlord.



Missed work



Childcare



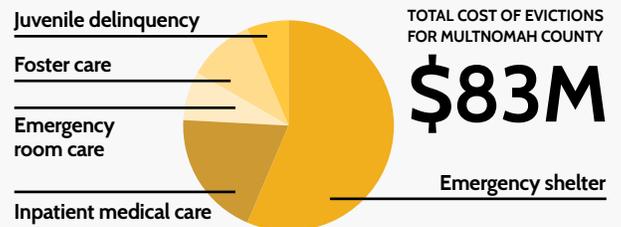
Transportation



Court fees

## Evictions are costly to the county

Evictions are also extremely costly for Multnomah county. According to University of Arizona's Cost of Eviction Calculator, the downstream effects of evictions leading to homelessness could cost the county \$83 MILLION.



## Right to Counsel is proven to work

Having been implemented in numerous jurisdictions across the country, Tenant Right to Counsel (the right to legal representation in eviction court) is already proving to be an extremely effective way to reduce the number of evictions and eviction filings. This means more families stay housed, a decreased strain on county resources, and far fewer people becoming homeless.

NYC	84%	of households were able to stay in their homes.
	40%	decline in eviction filings in 2019 compared to 2013.
Cleveland	93%	of households seeking to avoid eviction or involuntary move achieved this outcome.
	89%	of households seeking to mitigate their damages achieved this outcome.

Eviction Representation for All is the campaign that will establish free and universal legal representation for tenants in eviction court.

Join us at [eratenants.org](http://eratenants.org)

