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INTRODUCTION

The Multnomah County Circuit Court processes more eviction cases than any other court in Oregon. While the eviction process is largely structured by state law, the way these laws are operationalized by the court matter. This is because the court's handling of eviction cases—including the onsite services available to tenants—directly affects the housing stability and legal records of hundreds of tenants every month.

To examine how court processes at the Multnomah County Circuit Court impact tenants, our team conducted a series of court observations at the downtown courthouse between October and December 2023. In particular, we wanted to know how the court handled the increasing size of eviction dockets during this period, the availability of legal assistance and other onsite services for tenants, the court's implementation of new rules from Oregon House Bill 2001 (HB 2001), and any changes HB 2001 had on eviction case outcomes in Multnomah County.

From our court observations, we found that high-volume eviction dockets were processed in a way that was convenient for landlords and their legal representatives, but cumbersome for tenants. Because the vast majority of tenants were unrepresented, they faced difficulties navigating the court process, submitting court documents, negotiating agreements with their landlord, and defending themselves at trial. While no mediation services were offered at the courthouse, interpretation services, free childcare, and limited legal assistance were available to tenants onsite.

Drawing on both our court observations and court record data, we found that HB 2001 had positive impacts for tenants in eviction court. While the number of eviction filings continued to rise after HB 2001 was implemented, the percentage of tenants who had their eviction case dismissed—rather than receiving a judgement of eviction—increased. Additionally, the percentage of tenants who received a default judgment of eviction for failing to appear in court decreased.

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This report is organized into four main sections. The first section provides background information on the eviction landscape in Multnomah County in 2023. The second section describes our research methods. The third section presents a detailed account of our findings. The final section concludes with a summary of key findings and a set of recommendations for improving tenant support in Multnomah County.

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BACKGROUND

Since the end of the eviction moratorium and the Safe Harbor policy, eviction filings in Oregon have surged. This increase has been especially acute in Multnomah County, which processed 36% of all eviction cases in the state in 2023.[1] In total, 8,894 eviction cases were filed in Multnomah County in 2023—a 35% increase from 2022, when 6,609 eviction cases were filed.

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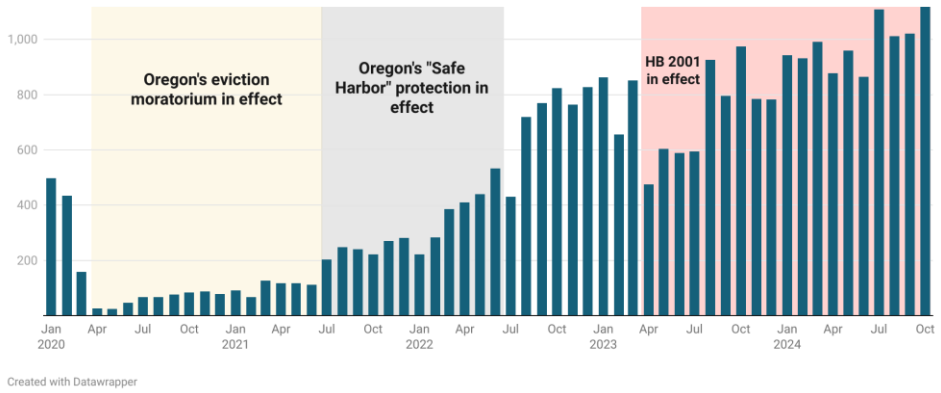
Figure 1: Eviction Filings in Multnomah County by Month (January 2020 - October 2024)



The increase in annual eviction filings was not the only notable change to Multnomah County's eviction landscape in 2023. On March 29, 2023, Oregon Legislature passed House Bill 2001 (HB 2001), which introduced a number of changes[2] to the legal procedures for nonpayment eviction cases:

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- Termination notices for nonpayment of rent must give tenants 10 or 13 days to pay the cure amount on their termination notice before landlords can file an eviction case. Previously, tenants were given a 72-hour or 144-hour notice for nonpayment evictions.
- If a tenant fails to appear in court, landlords must either submit an affidavit or testify under oath that the tenant has not already moved out of the property before the court can order a default judgment of eviction.
- In nonpayment eviction cases, trials must be scheduled at least 15 days—and no longer than 30 days—after the first appearance date. Previously, trials were scheduled no more than 15 days after the first appearance hearing.
- A nonpayment case must be dismissed by the court if the tenant pays the cure amount on their notice at any time before their trial.[3]

The Eviction Defense Project (EDP)—launched in 2021—was also active during our court observations in 2023. EDP is a statewide program in Oregon that contracts with several legal service providers to offer free legal assistance to tenants facing eviction. Tenants with an eviction filing can call the program's hotline to be connected to one of its contracted providers.

In our study, we observed how each of these features of the eviction landscape—rising eviction filings, the implementation of HB 2001, and the availability of legal assistance through the Eviction Defense Project—affected the eviction process at the Multnomah County Circuit Court.

METHODS

The information in this report is based on Oregon Judicial Department case records and court observations at the Multnomah County Circuit Court in downtown Portland. Eight members of the Evicted in Oregon research team each conducted two to three court observations in Multnomah County between October and December 2023. Observers attended a mix of first appearance hearing dockets and trial dockets. Some observations were conducted in person at the court, while others were conducted remotely via Webex.

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This report focuses solely on the eviction process and procedures of the Multnomah County Circuit Court. The local processes and procedures of other Oregon courts—including their implementation of HB 2001—may differ from what is described below.

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FINDINGS

This section describes our findings on the eviction court processes at the Multnomah County Circuit Court in 2023, focusing on how these processes affect tenants. It is organized into four subsections:

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- How high-volume eviction dockets were processed in ways that favor the interests of landlords (and their attorneys) rather than the needs of tenants
- The significant disparity in legal representation between tenants and landlords in eviction court and how it shaped tenants' ability to navigate the court process
- The additional (non-legal) onsite services available to tenants at the courthouse, including interpretation services, childcare, and rental assistance
- How HB 2001 has been operationalized in the Multnomah County Circuit Court and its positive impacts on tenants facing nonpayment cases

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Court processes are efficient for landlords and their attorneys, but cumbersome for tenants

The high volume of eviction cases in 2023 led to large eviction dockets at the Multnomah County Circuit Court. In 2023, the average first appearance docket included about 30 cases a day (149 cases a week). During one of the team's observations, there were 50 cases on docket. The first appearance docket is scheduled from 8:45 a.m. to 11:00 a.m. in the Crane Room on the second floor of the courthouse.

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On days with larger dockets, the Crane Room can become crowded with tenants, landlords, and their legal representatives. In Oregon, landlords can be represented in eviction court by an attorney or an agent. Agents can include a representative from the entity that owns the property,

the entity that manages the property, or an eviction specialist hired by the landlord. While agents cannot represent landlords in a trial, they can represent them at first appearance hearings and in stipulated agreement negotiations with tenants.

In order to process high volume dockets, the court has shaped its services to accommodate the largest property owners, who file the most eviction cases. In 2003, 81% of landlords in Multnomah County eviction court had legal representation. The court typically moves through the cases on the docket systematically by landlord attorney, allowing each attorney to present all their cases while standing before the judge. Each attorney may represent multiple large property owners, and in some instances, over twenty cases were represented by the same law firm.

When a landlord's attorney manages a large number of cases, the judge first confirmed the relevant parties were present. Then, after calling all the cases for that attorney, the judge instructed tenants in those cases to go to the lobby and negotiate with their landlord's attorney before returning to the courtroom. This process was structured for maximum efficiency for landlord attorneys, not tenants.

40% of tenants enter into stipulated agreements with their landlord instead of going to trial

When tenants are sent into the hall to negotiate with their landlord's attorney, they often enter into a stipulated agreement rather than going to trial. This agreement is then entered into the court record. If tenants meet the terms of the agreement, their eviction case is dismissed. However, if they fail to meet any of their agreement's terms, they can receive an automatic judgment of eviction for noncompliance. In 2023, 40% of eviction cases involved a stipulated agreement.

Because the vast majority of tenants do not have an attorney, they may agree to terms that are not required under landlord-tenant law. These terms can include making future rent payments on time, paying more than the original cure amount listed in the termination notice, and covering the landlord's legal fees—even though this is not normally required when a landlord is unable to

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secure an eviction judgment from the court. From our analysis of 103 stipulated agreements in Multnomah County, we found that 58 tenants agreed to pay more than their cure amount, 56 tenants agreed to pay future rent payments on time, and 44 tenants agreed to pay their landlord's legal fees. Unrepresented tenants may feel pressured to accept these terms to remain housed or have their case dismissed.

Many stipulated agreements also require tenants to move out of their home. Of the 103 stipulated agreements we analyzed, 39 included a move-out date. This shows that while stipulated agreements can sometimes help tenants avoid a judgment of eviction, they do not always help tenants stay housed.

If tenants fail to meet the terms of their stipulated agreement, they receive a judgment of eviction and must leave their home. They do not get another chance for a trial. For example, in one observed case, a tenant failed to make required payments because their rental assistance did not arrive in time. As a result, the judge issued a judgment of eviction. The tenant, who had three children, asked if there was anything they could do. The judge told them to find another place and move out.

Tenants appearing in person face uncertainty and long wait times

While an attorney can represent tenants at their first appearance hearing, the vast majority of tenants are unrepresented and must appear in court themselves. For tenants appearing in person at the Multnomah County Circuit Court, there was no way to estimate the time needed to wait for the landlord's attorney, negotiate, and confirm a stipulated agreement. Tenants were expected to be present in court at 8:45 a.m. However, depending on several factors—including docket sizes and wait times to speak with landlord attorneys—tenants left court as early as 10:00 a.m. or as late as 12:30 p.m.

The research team observed that some agreements appeared to require multiple phone calls to property managers or owners, that some tenants had extended conversations with the landlord's attorneys, and that other tenants simply missed their name being called and lost their place in line. Attorneys returned to the courtroom to report back to the judge about stipulated

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agreements or trial requests after completing all their case negotiations. Throughout this process, tenants may wait several hours to address their case.

Eviction court is scheduled for the convenience of landlords' attorneys, and with packed eviction dockets, tenants must spend much of their time waiting for their turn to speak with the judge or their landlord's attorney. This back-and-forth between hurried procedures and long, uncertain wait times can be confusing for tenants who already face difficulties navigating the legal process. When tenants do not know how much time they will spend at eviction court, it is difficult for them to determine how long to take off work, how to plan transportation to and from the court, and whether to bring children to the courthouse.

Tenants appearing virtually can face difficulties participating in court procedures

During first appearance hearings, tenants have the option to attend virtually via an online conferencing program called Webex. During our observations, fewer than one-third of tenants appeared virtually. In the courtroom, two large screens on one side of the room display participants attending via Webex. Online participants' voices are loudly transmitted through speakers, and the judge typically uses a microphone to speak with them.

Tenants appearing virtually faced several difficulties. Some experienced connection issues that made their audio difficult to hear in the courtroom. In one case, this made it challenging for a tenant to provide their phone number to their landlord's attorney to negotiate a stipulated agreement. Additionally, during high-volume first appearance dockets, tenants who joined remotely sometimes waited for over an hour to receive a phone call from the landlord's attorney.

Joining remotely also jeopardized some tenants' ability to defend themself in a trial. In one trial in which a tenant (defendant) joined by phone, the tenant could not see video footage and photos presented by the landlord (plaintiff) as exhibits. The judge, therefore, had to describe these exhibits to the defendant. When it was the tenant's turn to question the plaintiff, the judge had difficulty hearing the tenant due to connection issues. The judge ultimately ruled in favor of the landlord in this case.

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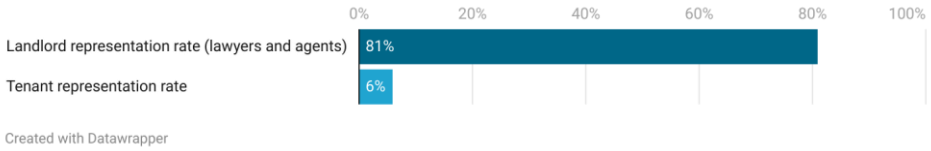
Few tenants are represented by an attorney despite legal assistance programs

Although Multnomah County and the City of Portland fund the Eviction Defense Project, which contracts multiple legal service organizations to represent tenants, the vast majority of tenants do not have an attorney representing them in eviction court hearings. According to court records, only 6% of tenants had legal representation in Multnomah County eviction court in 2023, compared to 81% of landlords. This gave most landlords a distinct advantage over tenants in navigating the complexities of eviction court.

Figure 2: Disparity in Legal Representation Between Tenants and Landlords in Multnomah County Eviction Court



According to our focus groups with evicted tenants in Multnomah County, some tenants were unaware that legal assistance was available, while others attempted to secure help but were unable to do so before their court date.[4] In addition, the Oregon Law Center (OLC)—the primary legal service provider for the Eviction Defense Project—does not currently represent tenants in nonpayment cases, which account for nearly 90% of cases in Multnomah County. Tenants with nonpayment filings can receive legal advice by calling the EDP hotline, but must navigate the court hearing itself on their own.

Onsite legal assistance is a valuable new resource, but still insufficient to meet volume

While almost no tenants arrive at eviction hearings with attorney representation, they may seek advice and limited representation at the courthouse through a new (but only intermittently available) legal services program. In 2023, one legal services provider–the Commons Law

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Center–began offering onsite legal assistance to tenants during the morning eviction docket. The center's Tenant Eviction Defense (TED) team, made up of attorneys and paralegals, is at the courthouse two to three days a week. These legal services were not initiated (or funded) by the Oregon Judicial Department or the Multnomah County Circuit Court. The Commons Law Center's presence at the courthouse marks a significant change from 2022, when no legal assistance was regularly available onsite unless tenants had already obtained representation through the Eviction Defense Project or private bar.

The Commons Law Center's TED team provides limited representation services to tenants, meaning they agree to handle only part of their clients' legal proceedings. The TED team introduces themselves to people in the courthouse lobby and ask if they are tenants seeking legal advice or support. Once a tenant signs a limited scope engagement letter with the Commons Law Center, a TED team member can help them negotiate with their landlord and review any proposed settlement agreements. TED team members can also help their clients review and submit an Answer form if they are going to trial.

The limited representation services provided onsite by the Commons Law Center are not always recorded in court documents and, therefore, are not necessarily included in the 6% tenant representation rate mentioned above. However, the Commons Law Center's team is not onsite every day and cannot meet the overwhelming need for legal representation for tenants in eviction court. Even with the Center's limited onsite legal assistance, most tenants did not have an attorney during the team's observations.

Unrepresented tenants remain at a disadvantage in the legal process

During first appearance hearings, tenants without an attorney sometimes tried to ask questions about the court process or express concerns about their cases. Judges typically responded, often by interrupting the tenant, that this was not the time for questions or concerns. Tenants with questions or concerns were sometimes referred to the court's customer service desk.

In 2023, only 5% of eviction cases in Multnomah County proceeded to a trial. Most cases that went to trial ended with a judgment of eviction (67%). The research team observed five days of

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trial dockets in 2023. Only five total trials were held during these five days. Although more cases were scheduled for trial during these dockets, most were either dismissed or set over (postponed) before the session began.

None of the tenants in observed trials had legal representation, and all struggled to present their case effectively. In fact, some judges noted that tenants' lack of legal representation hindered their ability to argue their case. During one trial, a tenant said they had contacted a legal assistance program but received no response. The judge responded by stating, "There are attorneys representing tenants but not enough." In another trial, when a tenant was struggling to present valid testimony, the judge remarked, "It's not your fault. You didn't go to law school." During the same trial, the judge also told the tenant, "If you had an attorney, you might have a better case to make."

At all five of the observed eviction trials, plaintiffs were represented by an attorney. The plaintiffs' attorneys were often well-prepared. For example, in one for-cause eviction trial, the plaintiff's attorney had three witnesses and seven exhibits, while the unrepresented tenant had no witnesses or exhibits.

Tenants are not referred to the Eviction Defense Project in court

While Multnomah County has a substantially funded Eviction Defense Project that includes multiple legal service providers, this program was not mentioned by name in court during our observations. While judges often told tenants going to trial that they should try to secure an attorney, they did not name specific organizations tenants could contact. Tenants were occasionally referred to a desk with cards and flyers for legal assistance resources. A screen in the courthouse suggested that tenants visit OregonLawHelp.com or call the Oregon State Bar Lawyer Referral Service for legal assistance. Some tenants at the courthouse tried to call for legal support but received no response. Others were able to secure limited legal assistance from the Commons Law Center staff onsite.

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