

Landlord Tenant Coalition Meetings Continue in Anticipation of the 2013 Oregon Legislative Session

Our second Landlord Tenant Coalition meeting was held on June 21st in anticipation of the upcoming Oregon Legislative Session which begins January 14th. Representing the spectrum of landlord-tenant interests again were representatives of Lane County Legal Aid, Community Alliance of Tenants, Rental Housing Association of Greater Portland, City of Corvallis, Oregon Rental Housing Association, Legal Aid Services of Oregon, Oregon Law Center, Metro Multifamily Housing Association, and a few private parties. Several topics were discussed and our work to compile a Landlord-Tenant Omnibus Bill continues.

Source of income discrimination as it relates to Section 8 was brought up for discussion. As most of you know, it is illegal in the State of Oregon to discriminate against applicants based on the source of their income. The only legal exception to this rule is Section 8, in that landlords CAN discriminate against this source of income and refuse to participate in the Section 8 program. Some Coalition participants have heard that one or more Oregon Legislators are considering resurrecting this issue during the 2013 Legislature. As we currently understand it, the proposal might be that landlords could not refuse to rent to an applicant simply because they have a Section 8 voucher, and that this would not necessarily require landlords to participate in the program. We'll keep you advised as we know more about potential legislation pertaining to Section 8 protections.

We discussed the proposed City of Eugene Social Host Ordinance that would attempt to deal with unruly parties, other noise violations and the like. Essentially, the ordinance would allow the city to fine tenants and charge for response time (sending police, fire trucks, etc.) to unruly parties. If after several attempts to resolve the situation with the tenant(s), the city could ultimately pursue the landlord for unpaid fines and costs. To the best of our knowledge, this type of ordinance is currently being considered only by the City of Eugene, but there may be statewide implications if the city has great success with it and other municipalities become interested in adopting it. This proposal ordinance was in flux with the City of Eugene right now, and I had concerns that without quick action on the statewide level, we might have a trickle-down effect like we saw with the Housing Code Ordinances from Portland, to Corvallis, Eugene, and Medford. After discussion, there was a sense that the Lane County Housing Policy Board might be the best venue to address this ordinance, and I will pursue this route.

Our main discussion centered on the concept of "guests" which is undefined in Oregon Landlord Tenant Law. It was agreed by the Coalition to make an effort this Legislative Session to define who qualifies as a guest so that both landlord and tenant rights surrounding this issue will be further clarified. For instance, does a tenant have an inherent right to have guests? If so, what rights to landlords have to place limits on them, including banning/trespassing/excluding certain guests from the property and/or common areas. How long can a guest stay with the tenants' permission without becoming an unauthorized occupant? Who has responsibility for the bad behavior of guests? We expect to delve deeper into these questions at our next Coalition meetings.

A few "housekeeping" issues were discussed and will be addressed in greater detail in future meetings. Of note, we discussed the word "midnight" within Landlord Tenant Law. What exactly does this mean? Midnight of last night? Midnight tonight? Is 11:59 pm more clear? We also discussed the discrepancy in Oregon law in regards to the time in which a landlord may return rent to avoid waiver – the Oregon

Revised Statutes say six days in one place and ten days in another. The Coalition will have to work to bring the two timeframes into agreement.

Please feel free to contact your local chapter of the Oregon Rental Housing Association to provide feedback about these issues. I look forward to considering all ORHA members' feedback in preparation for future Coalition meetings.

Finally, don't forget , the State of Oregon's official webpage has a wealth of information on their Legislature's website. Just log-on to www.oregon.gov and click on the "Legislature" link. From there, the link "Contact information and answers to frequently asked questions" is especially informative. On both pages, you'll find facts about the makeup of the Legislature, a calendar of events, a district map, how to find and/or write your legislator, and even a kids' page.