

2013 LEGISLATIVE UPDATE: Landlord Tenant Coalition Meetings Continue, a Bill Mandating Section 8 Acceptance and a NEW Survey to Express Your Views on the Bill

Landlord-Tenant Coalition

Our Landlord Tenant Coalition met again on September 4th and 18th in anticipation of the upcoming Oregon Legislative Session which begins January 14th. Again in attendance 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. Our work to compile a Landlord-Tenant Omnibus Bill continues.

Requests were due from Oregon Legislators on September 17th to reserve space for any bill that will be presented to the 2013 Legislature. It is not yet known whether the committee will agree on a mutually negotiated landlord-tenant bill, but it was agreed that the committee would reserve space for one. As such, we voted to approach a legislator who has been supportive in the past, probably Senator Floyd Prozanski, to present and reserve space for our bill. We agreed that the topic of this initial bill reservation would be reinstating fees for pet violations (a topic presented by the ORHA). This doesn't mean that a bill will actually come together or that the pet violation fee will be the final topic of the bill. It does, however, mean we will continue to meet and move forward.

The bulk of our meeting time on September 4th was spent in further educating the committee about tenant/rental insurance and continuing our discussion about whether landlords can require it. Chris Page, an insurance agent representing over 20 insurance companies, gave an extensive presentation about the types of insurance available to tenants, what is covered, and how it is priced. After further discussion, the committee could not move closer to agreement about whether to clarify by statute that requiring rental insurance through the rental agreement is not a fee (essentially clarifying that landlords in Oregon have the right to require rental insurance in their rental agreements). This would not mandate rental insurance; it would simply clarify that landlords have the right to require it as part of the contract. The committee did agree, however, to continue discussing the topic at a future meeting.

We discussed several topics at our September 18th meeting, including ORHA's proposal to extend the statute of limitations in which to pursue tenants for unpaid monies from one year to five years, amending landlord-tenant law to further clarify who is a guest and what rights landlords have in relation to them, and expunging screening materials of past eviction and criminal offenses or, at least, the possibility of limiting the ways in which landlords could use the information to screen applicants.

With regard to the proposal to extend the statute of limitations, there was no agreement with both landlord and tenant advocates split on the matter. We deferred discussion on this topic to a future meeting. We had only a short time to begin our discussion on guests, and it is clear this is a complex issue with many implications on both sides. For instance, can landlords restrict guests and, if so, under

what circumstances? From public spaces only or from all portions of the premises? What if the guest has been a past risk or nuisance and the landlord has reason to believe the guest puts other tenants' safety or quiet enjoyment of the premises in jeopardy? This looks to be a lively discussion that we expect to take back up at our next meeting.

The bulk of our September 18th meeting concerned the use of information about prior evictions and criminal offenses by landlords. Tenant advocates proposed making it illegal for landlords to discriminate against applicants because of a past arrest, non-person misdemeanor and minor felony offenses older than 5 years and evictions older than 3 years. We made it clear that, even if we should further consider the proposal, we felt those time durations weren't nearly long enough. For our next meeting on this topic, tenant advocates will bring written legal language for further consideration.

As always, I welcome our members' comments and concerns about this legislative process. Please contact your local organization's legislative representative to voice your thoughts. The State of Oregon's official webpage also 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.

A Proposed Section 8 Bill

On September 12th, Oregon State Representative Tina Kotek held a public meeting in Salem to introduce her draft plan for a bill tentatively entitled the "Housing Choice Act of 2013". This bill would essentially require landlords to accept Section 8 from qualified applicants by adding Section 8 vouchers to the types of sources of income that are protected in Oregon. Recognizing that this is a hard-sell to many landlords, Rep. Kotek acknowledged that some negotiation would be required and suggested some Federal waivers or other benefits that might entice landlords, such as creating a fund to reimburse landlords for damage done by Section 8 tenants, reducing the duration of the required initial fixed-term lease, reducing inspection wait times, and flexibility in setting fair market rent rates.

Another public meeting will take place in approximately 30 days. ORHA is interested in hearing from our membership AS SOON AS POSSIBLE on this issue and, to make that easy, we have created an internet survey. Things can sometimes move quickly in Salem, and so it is important that members respond right away. Should we support this bill if it benefits landlords? Oppose it? To participate, log-on to <https://www.surveymonkey.com/s/orha>.