

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

Landlord-Tenant Coalition

Our Landlord Tenant Coalition met again on October 2nd 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.

The Coalition continues to discuss a possible extension of the statute of limitations in which to pursue tenants who owe money from one year to five years. A possible resolution to our issue of being unable to locate past tenants in order to serve them within the year may be filing for 'alternative service' with the court. This is an option we are currently exploring and will report further in future updates.

Renters Insurance continues to be on the table. Tenant advocates have expressed a willingness to continue to negotiate the matter, but have suggested they are considering the same approach as the State of Virginia. In Virginia, landlord tenant law allows landlords to require renters insurance but caps the total financial exposure of the tenant by mandating that the TOTAL of the yearly cost of renters insurance PLUS the security deposit cannot equal more than the amount of two month's rent. This was not a formal proposal but simply part of the discussion at this point. Again, stay tuned as this topic continues to develop.

Finally, the Coalition continued our discussion of screening and the use of past criminal arrest, conviction and eviction records. Landlord advocates argued at the last meeting that the use of arrest records, even those that do not result in a conviction, are valuable for use during the screening process because they can show patterns of concerning behavior on the part of the applicant. Tenant advocates worry about possible racial or fair housing overtones, due to the fact that minorities statistically have higher arrest rates but not higher conviction rates. Thus, tenant advocates maintain that arrest records without convictions should be off limits. They also argue that it should be illegal to consider certain criminal convictions and all eviction judgments older than three years during the application process. ORHA is quite far apart in our negotiations with tenant advocates on this issue. We would propose a time period no less than 10 years. We'll keep you updated as these negotiations continue.

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.

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? The survey will be available until October 31st. To participate, log-on to <https://www.surveymonkey.com/s/orha>.