

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 16th 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.

First, ORHA agreed to drop our proposal to extend the statute of limitations in which to pursue tenants who owe money from one year to five years. This is because an alternate solution was discovered through the efforts of our friendly coalition partners. As we've discovered through the recommendations of the tenant advocate attorneys, when you have made every reasonable effort to locate someone and still cannot find them in order to serve them with court papers, you may appeal to the court to perform 'alternate service'. Look for detailed instructions in future editions about how to accomplish alternate service.

Because ORHA withdrew our statute of limitations proposal, we have substituted an alternate proposal to repeal the requirement that landlords must give 60 days' notice to vacate (rather than 30 days' notice) when tenants have occupied the rental for more than one year in a month-to-month tenancy. If tenants have lived in a rental less than one year, both landlords and tenants may give only 30 days' notice to vacate in a month-to-month tenancy. However, once they've been there one year, the requirements change. While tenants still only have to give 30 days' notice to vacate, the requirement jumps up to 60 days' notice for landlords. We believe this is patently unfair and wish to bring the requirements to an equitable position. One option is to require tenants to also give 60 days' notice to vacate after one year's tenancy. A more attractive option is to drop the 60 day requirement for landlords and return landlord-tenant law to a simple requirement of 30 days' notice to vacate for either party both before and after one year's tenancy. Our discussion of this proposal will continue at our next coalition meeting.

Our negotiations of renters insurance continue. Sticking points continue to be how a landlord will know if the tenant drops the insurance during the tenancy, how long tenants will have to comply with the requirement to obtain new renters insurance, what the options are if a tenant refuses to comply, what the renters insurance should be required to cover, and who can file a claim against which insurance. We continue our efforts to refine language surrounding this issue and will keep you updated.

The tenant advocates also came back with their most recent proposal on excluding certain prior evictions, prior arrests and criminal convictions from the screening process. The main thrust of their argument is that recidivism rates among criminal offenders tend to drop off the longer they have been released from custody and, as such, there should be a time period after which landlords should not be able to take past arrest, eviction and criminal activity into account during the screening process. Tenant advocates at this meeting suggested that landlords should not be able to take the following into account during screening: 1) arrests without subsequent convictions, 2) eviction judgments older than five

years, and 3) criminal convictions for crimes – misdemeanors older than three years and felonies older than seven years (time period to start from completion of incarceration). Landlord advocates remain concerned that these time periods aren't nearly long enough and that, frankly, no length of time may be long enough to suggest that prior criminal records should not be considered by landlords. Our conversation about this topic continues as well.

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? To participate, log-on to <https://www.surveymonkey.com/s/orha>.