

## **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 November 20<sup>th</sup> in anticipation of the upcoming Oregon Legislative Session which begins January 14<sup>th</sup>. 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, negotiations on renters insurance as well as excluding certain prior evictions, prior arrests and criminal convictions from the screening process continue to move forward. We work towards making progress on a mutually acceptable compromise and will continue to keep you informed.

For ORHA, after much discussion with our Board of Directors and member input, we have elected to propose the return of non-compliance fees for many tenant violations. As you'll recall, it was legal to charge many non-compliance fees until the 2009 Oregon Legislative session when they are mostly removed from landlord-tenant law, in part due to industry abuses. ORHA believes landlords' businesses are harmed by the inability to charge non-compliance fees and are negotiating hard for their return.

Although the exact violations for which non-compliance fees could be charged and the exact amount of the fees are still under negotiation, the causes that ORHA has proposed for which fees could be assessed are:

- failure to maintain lawn and landscaping (if included as a tenant responsibility in the rental agreement)
- unauthorized pets (including those instances where the number of pets exceeds the number permitted by the rental agreement)
- unauthorized occupant
- inoperable vehicle
- disturbing the quiet enjoyment of neighboring premises (noise complaints)
- illegal drug use
- smoking in smoke-free areas
- clarifying that a service of notice fee may be charged for the service of the following notices: 72/144-hour non-payment of rent, unauthorized pet, 24-hour notice for extreme acts and 30-day for cause notices

We recognize that there might be other instances where landlords might desire to charge non-compliance fees. However, as landlord-tenant law stands in Oregon, non-compliance fees are prohibited unless they are specifically itemized and authorized under the law. As such, we had to identify a list of those items ORHA believes most often and most severely impact landlords, and that is the list we are negotiating with the landlord-tenant coalition. Our next Coalition meeting is on December 4<sup>th</sup>, and we anticipate process will be made on all of these issues at that meeting, as time is beginning to run short prior to the opening of the 2013 legislative session.

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](http://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 12<sup>th</sup>, 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. That negotiation continues at present in anticipation of the legislative opening session on January 14<sup>th</sup>.

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>.