

## **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 December 18<sup>th</sup> in anticipation of the upcoming Oregon Legislative Session which begins January 14<sup>th</sup>. Among those 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.

Negotiations are winding down on renters insurance as well as excluding certain prior evictions, prior arrests and criminal convictions from the screening process. We believe, if we are able to agree on a coalition bill, that we will allow renters insurance under the law with just a few exceptions. We work towards making progress on a mutually acceptable compromise on prior evictions and criminal convictions and will continue to keep you informed. If we are able to agree on a coalition bill, as always there will be a “housekeeping” portion of the bill that will clarify the intention and language of existing landlord tenant law.

We also revisited the question of “guests” under landlord tenant law – how do we define them? Who has the authority to allow them? What happens when their permission or invitation is revoked? We are focusing our efforts on clarifying these questions and making it clearer under the law that an unwanted guest becomes a trespasser when permission to be on the premises has been revoked. It is our hope that clarifying this terminology will make it easier to have the person removed by police if they do not leave voluntarily and yet cannot be evicted because they don’t have tenancy rights. This discussion continues.

Finally, the coalition addressed our ORHA proposal for non-compliance fees. You’ll recall from our last legislative update article that we proposed reinstating a number of fees. Unfortunately, it has only been a few years since non-compliance fees were removed in large part from landlord tenant law, and so tenant advocates are not eager to reinstate them. They are particularly concerned about potential abuses by unscrupulous landlords and property managers. We believe there are viable and equitable ways to allow non-compliance fees while still addressing concerns. Non-compliance fees are ORHA’s biggest issue this legislative session, and we will continue to make every effort to ensure they are included in a coalition bill. Of course, if they are not, ORHA will have to make a decision about whether to support a coalition bill without them.

Our next Coalition meeting is on January 8<sup>th</sup> shortly before the January 14<sup>th</sup> opening of the 2013 legislative session. If negotiations continue after that time, the coalition may meet again during the month of January.

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

We anticipate that Oregon State Representative Tina Kotek will introduce her “Housing Choice Act of 2013” during the upcoming legislative session. 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>.

**Our survey is still open and we’d love your response!** 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. Should we support this bill if it benefits landlords? Oppose it? To participate, log-on to <https://www.surveymonkey.com/s/orha> or, from Oregon Rental Housing Associations’ website at [www.oregonrentalhousing.com](http://www.oregonrentalhousing.com), click on “Take the Section 8 survey here!”