

Dear Senators,

MY SITUATION: I am a landlord in Bend whose tenant has stopped paying their rent because of HB 4401, Oregon's rent holiday. For years she and her husband have been chronically late on their rent but I patiently nursed them along, knowing that if I evicted them, they would likely be homeless. In fact, out of kindness, I've kept my rent far below market value and even deducted \$100 per month each time they paid on time. But now they have stopped paying altogether taking advantage of the extended Covid rent holiday. Covid has had little impact on their ability to pay since they are self employed in a car body repair niche business. But under the broad Covid application, they easily qualify.

So now, with hat in hand, I am left to begging the state for relief. If I qualify, Oregon State may pay me 80% of my rent, zero percent of my late fees, and I'll be forced to lose the remainder. Or I may get nothing at all.

HOW HB4401 IS WRONG: The US Constitution's 5th Amendment says, "No person... shall be deprived of property without due process of law nor shall private property be taken for public use without just compensation." In that HB4401 temporarily suspends my rental contract, both depriving me of income and taking my rent "for public use" and depriving me of both timely rent payments and late fees as contracted, Oregon is violating the "taking" prohibition of the Bill of Rights. Furthermore, Oregon has singled out landlords as a class of businessmen to be punished, while ignoring other equally essential products and services like utilities, groceries, medical services, automotive needs and gasoline.

THE SOLUTION: The 5th Amendment demands "just compensation" from gov't for any "taking". 80% return is not just compensation. Nor are future tax credits which may or may not even be needed or used. Just compensation would mean Oregon paying me 100% of my lost rent in a timely manner.

I am very seriously considering selling my rental in Bend and purchasing a rental in a state like Idaho that doesn't take away my money and my rights. This action would further tighten a very tight rental market in Oregon.

Sincerely,
John Shepherd