

Jim Straub Testimony – House Bill 4001
Hearing – 02/01/2016

Chair Keny-Guyer and members of the committee.

My name is Jim Straub, I live in Eugene and I'm the Oregon Rental Housing Association's Legislative Director. We represent over 5,000 small landlords in 15 chapters throughout the entire state of Oregon. Thank you for hearing my testimony in opposition to House Bill 4001.

Today I'm going to speak about two portions of the bill in particular.

First, no cause notices are an essential tool used to protect the safety and peaceful enjoyment of our existing tenants. The option for landlords to give no cause notices needs to be preserved. Let me give you a real life example. I have a long-term tenant who lives in one side of a duplex. She pays her rent on time, she takes care of the property and communicates clearly with me on any issues of importance. As a small business owner, her tenancy is valuable – I don't want her to move. Another tenant on the other side of her duplex began acting strangely. He didn't do anything that violated his rental agreement that would rise to the level of a for-cause notice, but he acts in a manner that makes my other tenant and her children very uncomfortable.

As a business owner, at this point I have to make a decision. I'm going to lose one of these two tenants, and I would like to choose which one I continue to do business with. Having to give a with-cause rather than a no-cause notice to the offending tenant concerns me. If I have to disclose the reason for the notice, the offending tenant may direct his anger against my long-tenant instead of me, the landlord. Requiring relocation assistance essentially removes the option of no cause notices

for landlords. Removing no cause notices removes a valuable tool that helps landlords protect the safety of their tenants.

Almost any restaurant you go into will have a sign that says “we reserve the right to refuse service to anyone.” They do this so if a customer’s actions are not technically violating the law but are disturbing other customers they can simply be asked to move along. We sometimes need to do this as landlords. We feel the actions in this bill are taking that sign down and removing this valuable tool for landlords that any business owner should have available to them.

Next, regarding maintenance and the presumption of retaliation in the event that a notice is served within six months of tenants’ repair requests, you’re asking landlords to prove a negative, that they haven’t retaliated against their tenants. How does one prove that something hasn’t happened? Old houses are like old cars – they require more and continued care. You can bet that something is going to require repairs within six months of any notice. In my last example, for instance, if the offending tenant had requested a maintenance repair within the last six months, I would not have been able to give him a no-cause notice without the presumption that the reason for the notice was retaliatory rather than because of his own actions. This bill puts landlords in a position where once again we’re forced into using a with-cause notice to terminate regardless of the situation.

I urge you to vote against House Bill 4001.

Thank you. I would be happy to answer any questions.