

JAMES J. STOUT, P.C.

ATTORNEY AT LAW

419 South Oakdale

Medford, Oregon 97501

Phone: (541) 618-8888

Fax: (541) 618-9015

E-Mail: JJStout1@aol.com

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Oregon Representatives
And Senators

Re: HB 4001

Dear Sir or Madam:

I strongly urge you to strike down House Bill 4001. This Bill is poorly written and utterly poorly conceived. I understand that there are broad political spectrums in Oregon, but this Bill is so far to the left, that it is unworkable and completely ridiculous. The effect of this bill will be to raise rents to cover the costs; lower the amount of available rentals, as some landlords will simply get out of the business.

First of all, that Bill proposes the landlord pay the relocation costs for the tenant in an amount equal to one month's periodic rent. There are several things wrong with this notion.

First, now the landlord has to pay back the tenant's security deposit prior to the tenant vacating (in reality-deposits are usually one month's rent). If there is any damage, the landlord is out of luck and has no recourse against the tenant except small claims or filing a lawsuit. Is it the Bill's intention to make this more litigious? The landlord eats the cost of the damage and raises rents to cover the loss.

Further, now the tenant has their deposit back, so the tenant does not care how they leave the premises. Since their deposit has been returned, what motivation does the tenant have to leave the place clean? NONE. Since the landlord has already paid the deposit back to the tenant, this is going to increase costs and increased rents.

Second, the bill makes the landlord pay for the relocation costs prior to the tenant moving out. What happens if the tenant does not move out? Does the landlord get his money back? How is this accomplished? So now the landlord is out the money and still has to evict the tenant? This provision was not thought through at all.

Third, what if the relocation costs are less than one month's rent? Does the landlord get a refund of the balance? How is that accomplished? What if the tenant pockets the money and leaves a bunch of stuff behind? Does the landlord get the honor of dealing with this after they have paid for the relocation costs? Again, this is going to increase the cost of landlord, which will be passed on to future tenants.

Forth, as a matter of public policy, why it is the landlord's obligation to pay for relocation costs? When did the landlord become financially responsible for the tenant. What is next? Food? Car allowance? Good Lord.

Finally, the change to ORS 90.385(3)(b) by creating a disputable presumption that the landlord's conduct was retaliatory, is again quite ridiculous. How much of a burden do you want to put on the landlord? Now without any evidence or knowledge, you are presuming that the landlord is acting unlawfully. Are all landlords bad? By the way the Bill is worded, it would appear that all landlords are greedy robber barons.

I have been practicing Landlord/Tenant Law for over 20 years. This Bill is not well researched, not well thought out and a very bad and poorly written Bill. I urge you to reject it.

Sincerely,

JAMES J. STOUT, P.C.

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