

**JIM STRAUB – OREGON RENTAL HOUSING ASSOCIATION WITHOUT
CAUSE NOTICE TESTIMONY – HB 2004 - 02/28/2017**

House Committee on Human Services and Housing

Chair Keny-Guyer and members of the committee. Good morning, and thank you for hearing my testimony today. My name is Jim Straub. I'm a third generation landlord in the great state of Oregon, and I've personally been a landlord for 27 years. For three generations, my family and I have been part of the housing solution, with supply side developing and building new rentals, as well as providing affordable housing.

I come to you today speaking as the Legislative Director for the Oregon Rental Housing Association. Oregon Rental Housing Association is operated primarily by volunteers and a small staff all dedicated to supporting the mission of the state association, which consists of 14 local organizations, all dedicated to the same core principles: training and educating owners about changes in laws and providing educational opportunities to help do their jobs better. Oregon Rental Housing Association is a state association whose focus is the smaller rental owner/operator. Most of our members have between one and ten units.

I'm here today to talk to you about without cause notices, how and why they are essential to providing safe and secure housing for our residents. Let me start with a personal example or two of how I successfully utilized this important tool for the safety of our residents.

My long-term resident lived on one side of a duplex for seven years. Let's call her Julie. A new couple moved into the other side of the

duplex. A washer and dryer was shared by both sides of the property, but could not be accessed from an outside entrance. Within a few months of the new residents moving in next door, Julie called me on the phone, very concerned and upset and wanted my help. She informed me that she didn't know what to do, she was scared and didn't want to move, but felt like she didn't have any choice. She explained that since the new residents moved in next door, she recognized a pattern. She was very upset because her undergarments had started disappearing from her laundry. At first she thought she'd misplaced them, but then the undergarments started reappearing into her loads of clothes. The undergarments were not in the clean condition they would have been in when they disappeared from the dryer. The majority of the time the undergarments simply disappeared and never reappeared. Because the washer and dryer could not be accessed from outside the rental property, she felt it was clear that the culprit had to be the new residents next door.

Of course, my first suggestion was that Julie contact the police. She had, but they indicated they couldn't do anything without proof. There was no way that I, as a landlord, could prove who the culprit was. All I knew was that I had a long-term valuable resident who was scared, didn't know how to handle the situation and was looking to me for help. I knew that I was going to lose one of these two residents. I also knew that without proof, serving a with cause notice would raise the possibility of retaliation against Julie. I wanted to retain the tenancy of Julie, who had done nothing wrong and by that time was so frightened that she was forced to temporarily move-in with a friend. A with cause notice would have required me to disclose her as the complainant and the nature of the situation, and she was scared to identify herself.

Given the situation, a without cause notice was the only viable option to protect her and protect the tenancy.

From a pure business standpoint, I had one set of residents who had just moved in, had a few months of rental history but were really a potential unknown. Then, I had another resident who lived there for seven years, never violated the rules, and paid her rent on time. One of the two residents would have to move out. Of course I chose the one who had the long-term track record who was also established and vetted in the neighborhood. Allowing Julie to stay was important to both her and me. She was a part of the neighborhood, it was close to her work, and she felt it was her forever home. If I was unable to serve the neighbors a without cause notice, Julie would have been unable to stay.

My next example is a 20-plus year resident in one of my rentals, who was a single mother of three young children. Let's call her Suzie. Suzie lived on one side of a duplex and had shown herself to be very tolerant and accepting of residents on the other side of the duplex. Occasionally over the years, she would contact me directly when she was at an impasse with the neighbors. At times she and her family were the recipients of dirty looks and outright discrimination by the duplex neighbors. Real or perceived, this was important to Suzie and impacted her and her family's peaceful enjoyment of the rental property. If I ever suggested a with cause notice to the neighbors, she was very fearful about retaliation against her and her family. As a survivor of domestic abuse, this felt very real to her. Although a with cause notice was not an option in these circumstances, we worked together to be sure that all other options (from personal communication to letter writing, etc.) were tried before a without cause notice was issued. Had

I not had the option to serve a without cause notice, Suzie and her family would not have been able to remain in the unit and maintain their peaceful enjoyment of the property. They continue to be great residents.

These are just two examples of good residents who followed the rules and paid their rents on time who would not have been able to stay in their rental properties had with cause notices been the only option to address their circumstances.

I am a white male, 6'1", 240 pounds, who is not used to feeling intimidated in any situation, but there have been times in my property management career where I have shaken like a leaf in fear for my own personal safety and the safety of my coworkers because of the actions and behavior of residents. I feel had I given with cause notices which identified specific behavior or violations, that anger and retaliatory behavior would have been directed at me personally and I was fearful of the outcome. Some residents respond to with cause notices inappropriately and are unable to discuss the notice calmly. In without cause notices, they may be upset, but there isn't a specific trigger for them to focus their anger on. In these circumstances, landlords must be able to protect themselves and their coworkers if necessary, by serving a without cause notice and informing the resident that we "simply want the property back."

Landlords seek out and want to keep responsible residents. Landlords are in the business of having properties filled. It's expensive and time consuming to have vacancies, and there is a disincentive to landlords in doing so. When landlords give without cause notices, it is for a good and important reason, often for the safety of their residents and

themselves. Without cause notices must be retained for the good of landlords and residents throughout our state. Thank you.