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RE: Opposed to HB 2004

Dear Committee:

I have managed 69 units in Lane County for the last 20 years. I offered oral testimony at the March 2, 2017 8:00-10:00 hearing on HB 2004, I would like to offer some additional points.

I related a story about a woman named Amber who had a criminal history and I gave her a break and rented to her. I spoke too slowly and didn't get to my main point which was that a key reason that I could take the risk of renting to someone with a blemished past was because I knew that if things didn't work out I could easily take my property back with a No-Cause Notice. If the option of No-Cause Notices is taken away from me, I will be more cautious with who I rent to because after I move them in, it will be a lot harder and more expensive to take my property back if things do not work out. The effect on tenants is that it will be even harder for those with negative history to find housing.

Change burden of proof to tenant with For-Cause Notices.

The real problem with using For-Cause Notices for landlords like me is the fact that I have the burden of proof in court. This is HUGE in that I have to line up witnesses and bring any evidence. Much potential evidence is likely at the residence that is under the control of the tenant that I am trying to evict! I am not sure if it is possible, but if there was a way to change how For-Cause Notices function so that if they are challenged by the tenant in court there was an assumption that the landlord's claims were accurate and the tenant would have the burden to prove that the landlord's claims were without merit to prevail, I would be happy to consider using For-Cause notices more.

What is “fair?”

A lot of the proponents of ending No-Cause notices base their arguments on the fact that it is simply not “Fair” for a landlord to ask them to leave without telling them why. I find this to be a very simplistic and arbitrary reasoning. In my life, many things happen that affect me significantly without my input or control. Legislators recently raised the minimum wage and added paid sick leave to my responsibility as an employer. OSHA has recently introduced new requirements for tying off workers above six feet high, which will add costs to services I contract for with my rental business. A few years ago the legislature mandated that I must accept Section 8 tenants and the additional filings and notices with no additional compensation. Within the last five years the number of tenants I see with “companion animals” has exploded thanks to liberal interpretations of ADA and reasonable accommodation requirements. Like pets, “companion animals” often do significant damage which I now have to absorb because I am not allowed to charge deposits or fees for them. These are some examples of changes that have not been “fair” in my opinion. Nonetheless, they have been forced upon me, and I have had to adopt.

Imminent Domain.

Tenant’s advocates unrealistically want landlords to guarantee continuous housing for as long as the tenant wants. Most things in life do not work this way. The landlord has no such guarantee from the government as eminent domain can be used to force landlords (and other homeowners) out. HB 2004 requirements on landlords are not reasonable.

Landlords lose a lot as leases and month-to-month terms are upset.

Currently we have month-to-month or term lease, each with advantages and disadvantages to both parties. HB 2004 gives tenants all of the flexibility of month-to-month with none of the responsibility of a lease, and strips away landlords advantages of a lease and burdens them with insecurity of month-to-month.

Take the guns away from the cops...

I liken doing away with No- Cause Notices to taking away police officer's guns. The latter would absolutely solve the problem of abuse of deadly force which is of value to society, but what would be the costs to society of having unarmed cops? Similarly, ending No-Cause evictions will certainly help a few unfortunate tenants who could be asked to move, but the vast majority of tenants will pay a price as the small number of unscrupulous tenants are given more rights to be obnoxious.

I urge you to consider carefully the many affects that HB 2004 will impose on landlords and tenants; and then reject the bill. Thanks for reading this!

Scott Smith