

Rosenberg Corey

From: Mark Nichols <unclebuck@grrtech.com>
Sent: Monday, May 01, 2017 9:21 PM
To: SHS Exhibits
Subject: 2004-A for the record testimony

HB 2004-6 is coming to a vote in the Senate. I would like you to vote it down.

As a landlord, I want to preserve being able to serve a no cause notice. This is especially important when issues that are hard to prove such as drug dealing out of a rental. All transactions are done inside a house and there is no way to see the transaction happening. Therefore, the drug dealing can't be proven. Hence, It would make it Impossible to prove in court and prohibit a landlord from giving a for cause notice because of lack of proof.

Further, at the end of a lease, the bill calls for the rental to become a month to month. This is a change from the past. Here's how it works: At the end of the lease, the landlord makes an offer to renew the lease. If the tenant turns down the one year lease, then the term becomes month-to-month unless the tenant terminates the contract. In the past, when the tenant does not accept a new lease, the lease is finished and the tenant moves out. This is consistent with contract law- Offer and Acceptance or reject. In contract law, if an offer is rejected, there's no contract. This bill flies in the face of contract law.

Many landlords do not want in month-to-month rental. They want the stability of having a lease. The landlords want the lease to end in spring and summer because it is easier to fill a vacancy in the spring and summer. Renters mostly move in the spring and summer. If you fill your vacancy during winter, the rental has a higher probability of sitting vacant for a longer period time. I have had this happen. My rental sat vacant in the winter and filled in the spring.

Please consider carefully the implications when you vote on landlord/tenant issues.

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HB 2004-6 Amendment (HB 2004-A)

Month to Month (MTM)- The Landlord (LL) can give **30 day No Cause notice** of termination in **first six months**. **After six months**, LL must use **For Cause notice** only with exceptions.

Fixed term (FTT)- If LL wants to renew, LL must make offer to tenant term must be at least equal in length to previous term to **renew tenancy 90 days** before the ending date. Tenant gives LL notice of acceptance or termination 30 days prior to ending date. If tenant does not give notice to renew or terminate, FTT becomes MTM without further notice at end of term.

Exceptions to Termination: LL may terminate a MTM tenancy under this section at any time, or may avoid making the tenant an offer to renew a FTT under this section, by giving the tenant notice in writing not less than 90 days prior to the date designated in the notice for the termination of the MTM tenancy or the specified ending date for the FTT. Exceptions listed below.

LL with four or less units does not have to pay tenant one month's rent as relocation expenses. LL with 5 or more units will pay relocation expenses of 1 months' rent and give 90 day termination notice for below.

The following are exception reasons to a termination notice:

1. Dwelling repairs make uninhabitable
2. LL convert unit to other use
3. LL to demolish unit
4. Dwelling is uninhabitable as per 90.320; unit is unsafe or unfit to occupy and is going to be repaired
5. LL accepts offer to buy and buyer uses as primary residence- : notice to tenant not more than 120 days after acceptance of offer to buy.
6. LL or family to use as primary residence and no comparable unit
7. After repairs, LL must offer unit to same tenant before LL offers unit to others

Penalty: If LL terminates a tenancy in violation of the changes in HB 2004, the LL will be liable for three month's rent as well as actual damages. A tenant may file a claim in court within one year that the tenant knew of or should have known that the LL terminated the tenancy in violation of the changes in HB 2004.

Amends 91.225 to allow local city or county to enact Rent Stabilization program, provides for fair rate of return, and provides process to petition for permission to increase rent in excess of what is allowed under county or city Rent Stabilization program.

Start Date: FTT entered into or renewed on or after the effective date of this 2017 Act. Terminations of MTM tenancies occurring on or after the 30th day after the effective date of this 2017 Act.”

Link to original bill:

<https://olis.leg.state.or.us/liz/2017R1/Downloads/MeasureDocument/HB2004/Introduced>

Link to the dash 6 amendment:

<https://olis.leg.state.or.us/liz/2017R1/Downloads/ProposedAmendment/9660>

HB 2004 with the dash 6 amendment was voted on today, 03/30/17, in the House Human Services and Housing committee. The vote was along party lines, 6 yea and 5 nay, with a do pass recommendation for a floor vote in the House. If the bill passes the House it will go to the Senate and will be assigned to a committee. There may be more amendments to the bill in the Senate committee it is assigned to.

You may contact your House Representative and ask he/she to vote against HB 2004 -6.

Written by Mark Nichols

Edited by Cliff Conner-Coash