

HB 2004 A STAFF MEASURE SUMMARY
House Committee On Human Services and Housing

Carrier: Rep. Power, Rep. Piluso

Action Date: 03/30/17
Action: Do pass with amendments. (Printed A-Eng.)
Vote: 5-4-0-0
Yeas: 5 - Gorsek, Keny-Guyer, Meek, Piluso, Sanchez
Nays: 4 - Nearman, Noble, Olson, Stark
Fiscal: Has minimal fiscal impact
Revenue: No revenue impact
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WHAT THE MEASURE DOES:

Allows landlord to terminate month-to-month tenancy any time for no cause during the first six months of occupancy with 30-day written notice. Requires landlord to provide cause and 30-day notice when terminating a month-to-month tenancy after first six months. Requires landlord to provide cause and 30-day written notice prior to the specified end date for a fixed term tenancy. Allows landlord living on property with two units or less to terminate tenancy at any time for no cause providing a 30-day notice during first year or 60-day notice after first year of tenancy to tenant.

Allows tenant of month-to-month tenancy to terminate the tenancy with no cause providing a 30-day written notice to landlord. Allows tenant of fixed term tenancy to terminate tenancy with no cause providing written notice 30 days prior to either specified end date of tenancy or designated date in notice, whichever is later. Requires a fixed term tenancy become month-to-month upon end of original fixed term if landlord does not offer renewal of fixed term tenancy.

Provides exceptions for landlord providing cause for termination of month-to-month tenancy or avoidance of fixed term renewal if landlord provides 90-day written notice. Requires landlord of more than four dwelling units terminating tenancy under exception to state reasoning in notice and pay tenant one month's periodic rent. Requires landlord terminating tenancy under repair exemption to offer previous tenant a new rental agreement prior to new tenants. Requires landlord of more than four dwelling units terminating tenancy under an exception to give notice to tenant about reason and pay equal to one month's periodic rent. Requires landlord terminating tenancy in violation of measure provisions to pay equal to three month's rent in addition to damages to tenant. Allows tenant to recover payment for violation and damages within one year after knowing the violation occurred. Applies to new or renewed fixed term tenancies after the effective date. Applies to month-to-month tenancy 30 days after the effective date.

Amends statute allowing city or county to adopt ordinance or resolution implementing a rent stabilization program within jurisdiction. Specifies provisions of rent stabilization program including providing landlord fair rate of return, process for landlord to petition an increase in rent and exempts new residential developments for five years.

ISSUES DISCUSSED:

- Rental costs for individuals and families
- Availability and supply of housing in Oregon
- Use of no-cause evictions

HB 2004 A STAFF MEASURE SUMMARY

EFFECT OF AMENDMENT:

Allows landlord to terminate month-to-month tenancy any time for no cause during the first six months of occupancy with 30-day written notice. Requires landlord to provide cause and 30-day notice when terminating a month-to-month tenancy after first six months. Requires landlord to provide cause and 30-day written notice prior to the specified end date for a fixed term tenancy. Allows landlord living on property with two units or less to terminate tenancy at any time for no cause providing a 30-day notice during first year or 60-day notice after first year of tenancy to tenant.

Allows tenant of month-to-month tenancy to terminate the tenancy with no cause providing a 30-day written notice to landlord. Allows tenant of fixed term tenancy to terminate tenancy with no cause providing written notice 30 days prior to either specified end date of tenancy or designated date in notice, whichever is later. Requires a fixed term tenancy become month-to-month upon end of original fixed term if landlord does not offer renewal of fixed term tenancy.

Provides exceptions for landlord providing cause for termination of month-to-month tenancy or avoidance of fixed term renewal if landlord provides 90-day written notice. Requires landlord of more than four dwelling units terminating tenancy under exception to state reasoning in notice and pay tenant one month's periodic rent. Requires landlord terminating tenancy under repair exemption to offer previous tenant a new rental agreement prior to new tenants. Requires landlord of more than four dwelling units terminating tenancy under an exception to give notice to tenant about reason and pay equal to one month's periodic rent. Requires landlord terminating tenancy in violation of measure provisions to pay equal to three month's rent in addition to damages to tenant. Allows tenant to recover payment for violation and damages within one year after knowing the violation occurred. Applies to new or renewed fixed term tenancies after the effective date. Applies to month-to-month tenancy 30 days after the effective date.

Removes repeal of the prohibition on a city or county ordinance regulating rent of a dwelling unit. Amends statute allowing city or county to adopt ordinance or resolution implementing a rent stabilization program within jurisdiction. Specifies provisions of rent stabilization program including providing landlord fair rate of return, process for landlord to petition an increase in rent and exempts new residential developments for five years.

Removes definition of relocation assistance.

BACKGROUND:

Current Oregon law (ORS 90.427) allows landlords to terminate month-to-month tenancy by giving the tenant notice in writing not less than 30 days prior to the date. Oregon law (ORS 91.225) also prohibits cities and counties from enacting ordinances or resolutions regulating rent charged to the rental of any dwelling unit.

House Bill 2004 A allows a landlord to terminate a month-to-month tenancy at any time for no cause during the first six months of occupancy with 30-day written notice. For a month-to-month tenancy after first six months, a landlord is required to provide cause and a 30-day notice when terminating a tenancy. A landlord with a tenant on a fixed term tenancy is also required to provide cause and 30-day written notice prior to the specified end date for the fixed term. Additionally, a landlord living on a property with two units or less is allowed to terminate tenancy at any time for no cause providing a 30-day notice during the first year or 60-day notice after the first year of tenancy to tenant.

House Bill 2004 A also allows a tenant of month-to-month tenancy to terminate the tenancy with no cause providing a 30-day written notice to landlord. A tenant of a fixed term tenancy is allowed to terminate their tenancy with no cause providing written notice to the landlord 30 days prior to either specified the end date of tenancy or the designated date in notice, whichever is later. Fixed term tenancies are required to become month-to-month upon end of original fixed term if landlord does not offer renewal of fixed term tenancy to tenant.

The measure provides exceptions for landlords to providing cause when terminating a month-to-month tenancy or avoiding renewal of a fixed term tenancy if a landlord provides 90-day written notice. The exceptions for landlords

HB 2004 A STAFF MEASURE SUMMARY

providing cause for termination include intending in good faith to undertake repairs or renovations, conversion of the dwelling to other use, demolition of the unit, safety reasons for dwelling unit and intention to repair unit, acceptance of purchase offer for unit providing notice and evidence of purchase and occupation of the unit as primary dwelling unit for the landlord if no other unit is available. A landlord of more than four dwelling units terminating tenancy under an exception is required to state the reasoning in the written notice and pay the tenant one month's periodic rent. Landlord terminating tenancy under the repair exemption is required to offer the previous tenant a new rental agreement prior to offering unit to new tenants.

If a landlord terminates a tenancy in violation of the measure provisions, the landlord is required to pay equal to three month's rent in addition to any damages to the tenant. When a violation of the measure provisions occurs, a tenant is allowed to recover three month's rent and damages within one year after knowing the violation occurred. This measure applies to new or renewed fixed term tenancies after the effective date and applies to month-to-month tenancy 30 days after the effective date.

House Bill 2004 A amends Oregon statute allowing city or county to adopt an ordinance or resolution implementing a rent stabilization program within their jurisdiction. The measure specifies provisions of rent stabilization program including providing landlord fair rate of return, process for landlord to petition an increase in rent and exempts new residential developments for five years.