

SB 277 A STAFF MEASURE SUMMARY

Carrier: Sen. Roblan, Sen. Olsen

Senate Committee On Human Services

Action Date: 04/12/17

Action: Do pass with amendments. (Printed A-Eng.)

Vote: 5-0-0-0

Yeas: 5 - Dembrow, Gelser, Knopp, Monnes Anderson, Olsen

Fiscal: Has minimal fiscal impact

Revenue: No revenue impact

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WHAT THE MEASURE DOES:

Increases notice period for termination of rental agreement and removal of manufactured dwelling or floating home from 30 to 60 days. Requires landlord's notice to include specific disrepair or deterioration that is cause for termination and specific repairs required to cure. Permits landlord to terminate tenancy after notice for dwellings creating imminent risk of serious harm. Requires landlord to notify prospective purchaser of manufactured dwelling of maintenance issues and potential liability for repairs. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- Current practices for landlord violation notices and rental contracts, and potential for abuse
- Defining terms and potential litigation
- Landlord and tenant responsibilities and potential for misuse of process
- Communication issues between landlords and tenants
- Stakeholders working on multiple bills and possible amendments
- Types of issues that fall under measure definitions

EFFECT OF AMENDMENT:

Clarifies definitions. Permits landlord to terminate rental agreement for deteriorated dwellings creating imminent risk of serious harm after 30 day notice. Requires landlord provide notice of maintenance issues to prospective purchaser of manufactured dwelling and notice that prospective purchaser may be liable for repairs. Permits landlord to require new tenant to make specified repairs and terminate new tenancy after six months if repairs not made.

BACKGROUND:

Oregon law permits landlords to terminate a rental agreement for tenants in manufactured dwellings or floating homes after providing written notice 30 days prior to termination. Written notices of termination must include: a description of the causes for termination; how the tenant may cure to avoid termination; the process for informing the landlord of a completed correction; and information about the tenant's right to request an extension to make corrections. Unless the cause for termination is imminent risk of serious harm, landlords must grant a 60 day extension when weather prevents completion of work, or if work cannot reasonably be finished in 30 days. Landlords must also grant a six month extension if they knew about the issues leading to termination for more than the preceding 12 months.

Senate Bill 277-A establishes a 60 day notice period that landlords must allow tenants prior to termination of a rental agreement for manufactured dwellings or floating homes. It requires the landlord's written notice of termination to include a description of the specific disrepair or deterioration that is the cause of the termination and to specify what

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repairs are necessary to correct underlying issues within the 60 day period. The measure also permits a landlord to terminate a tenancy, after 30 day notice, for manufactured dwellings in such a state that they create a risk of imminent and serious harm to other properties or people. Finally, Senate Bill 277-A requires landlords to give notice of potential maintenance issues to prospective purchasers of dwellings and inform the purchaser that they may be liable for repairs. It also permits landlords to require such repairs of new tenants within six months.