

SB 970 A STAFF MEASURE SUMMARY

House Committee On Human Services and Housing

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Meeting Dates: 4/22, 4/29

WHAT THE MEASURE DOES:

Prohibits all residential landlords from considering minor marijuana convictions, or possession of a medical marijuana card or status as a medical marijuana patient when evaluating rental applications. Prohibits facility landlords (manufactured home park and marina landlords) from interfering with tenant's choice of real estate agent or licensed dealer to sell or lawfully sublet tenant's home. Allows manufactured dwelling or floating home seller, who is also a facility landlord, to require purchaser to rent space in landlord's facility as a condition of sale. Requires tenants to be allowed to sublet their home while it is being marketed for sale, if the facility landlord also rents out homes that are being marketed for sale. Requires facility landlord to provide information about landlord/tenant rights in relation to the sale of a manufactured or floating home. Increases potential civil penalty for specified violations, from \$200 to \$500, and from \$500 to \$1000. Updates form and style of corresponding provisions and defines terms.

ISSUES DISCUSSED:

- This measure arises from issues in Eugene, specifically allegations of a landlord denying manufactured homeowners the freedom to hire a real estate agent
- 2017 amendments
- Sen. Prozanski had work group
- Protects tenant applicants who have convictions for weed possession or use from before it was legalized in Oregon
- Medical marijuana and ability to prohibit smoking on the rental property; smokers not a protected class; other ways to consume marijuana

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

Senate Bill 970-A touches on a number of landlord/tenant issues, all but one of which concern transactions to buy and sell manufactured and floating homes situated on a rented space or in a slip, in a manufactured home park or marina (defined and referred to as *facilities*).

When evaluating applicants, all residential landlords are currently allowed to consider whether the applicant has committed certain crimes. Senate Bill 970-A excludes prior convictions solely for minor recreational use or possession of marijuana and also prohibits landlords from considering an applicant's status as a medical marijuana patient.

Facility landlords (manufactured home park and marina landlords) are currently prohibited from requiring prospective tenants to purchase their home from a particular dealer, and likewise, dealers cannot require purchasers to rent space from a particular facility. Senate Bill 970-A creates an exception to allow a manufactured dwelling or floating home dealer, who is also a facility landlord, to require prospective purchasers to rent space in the landlord's facility as a condition of sale.

Senate Bill 970-A also: prohibits facility landlords from interfering with a tenant's choice of real estate agent or licensed dealer to facilitate the sale or lawful sublease of the tenant's home; requires that tenants be allowed to

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sublet their home while it is being marketed for sale, if the facility landlord does the same; and requires facility landlords to provide applicants, tenants and prospective buyers with information regarding the rights and duties of landlords and tenants when a manufactured or floating home is being sold.

Finally, current law provides for recovery of damages or a civil penalty, whichever is greater, in the following amounts for the following violations: \$200 for violations of statutes governing unreasonable rental conditions, nonpayment of facility space rent, the sale of a manufactured or floating home, and retaliatory conduct by a facility landlord; and \$500 for the third and any subsequent violations in a two-year period, of statutes governing the sale of a manufactured or floating home. Senate Bill 970-A increases the penalty amounts to \$500 and \$1,000, respectively.