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December 18, 2020

Oregon Legislature
3rd Special Session 2020

RE: LC 18

FICTION: this legislation is smoke and mirrors to obfuscate the reality. You only want to benefit tenants and your chief way of doing that is making it difficult to be a landlord. If you wanted to help landlords you would not make it so complicated. And you would be honest about it.

Why does the Oregon government hate landlords? Why does the Oregon government think are landlords devils and tenants angels? Who would want to be a landlord in Oregon?

Why is it that everything that the legislature does is complicated, onerous and mandatory for landlords punishable now with three months free rent and actual damages but simple, easy and voluntary for tenants with multiple opportunities to avoid consequences and get a clean slate?

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Since March 19, the economy has tanked and frankly anyone not paying rent can easily claim that it was connected to the COVID-19 emergency. The situation ripples through the economy. But tenants control if they do the declaration. The landlord cannot apply for any kind of rent relief without the declaration. The landlord must even give the declaration to the tenant repeatedly including with the summons but tenants every action is voluntary and can be done at anytime. Don't you know that some tenants think it entertaining that they don't have to pay rent? They won't help their landlord until it suits them.

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The complicated process to remove the tenant for nonpayment of rent requires a landlord have an attorney to navigate the steps at landlord expense. But tenants get free assistance from legal aid. Each complicated step can go wrong which is the whole point of making it complicated, to make sure landlords make mistakes. **Free Rent!! Tenants need MORE!!**

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The proposed legislation makes it so complicated that it is difficult to go through all the steps before a landlord can go to the courthouse and file and FED for nonpayment. The notice and declaration even needs to be attached to the summons. Then the tenant can escape easily by finally doing a declaration that up to that time they have not done but they can do it at **any** time. So the reality is that all the landlord's work to meet a complicated process is meaningless. The court time is wasted but the court gets a filing fee.

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At least Multnomah County is honest that landlords shall not be able to evict tenants for non payment of rent. This legislation is smoke and mirrors which in reality is designed to not allow any eviction for nonpayment of rent. It also makes it complicated to even apply for any rent relief by landlords with tenants cooperation mandatory before any application can be made.

The concept of relief for landlords is just that a *concept*. There is unknown documentation to be provided with an unknown application to an unknown standard taking an unknown amount of time by government that has already shown lack of capacity to respond efficiently, e.g. unemployment compensation (N.B.: how to apply for unemployment was also known). Maybe someday some landlords might get something, whenever.

The simple fact is that Oregon government wants landlords to carry the weight of the tenants needs at the landlord's expense. Landlords can end up being unable to collect the rent but also liable for tenant utilities directly and indirectly. But landlords do not have a magic pile of money that government can spend to take care of tenants. The only money landlords have is the income received in the normal course of business, i.e., rent. Government wants to control the money received with rent control. Government makes a very complicated process to evict tenants because government never wants tenants evicted for any reason at any time. Complications add costs. When costs exceed the revenue received a business goes out of business.

How would you get by with 15 months of no income in your business? Without income a landlord cannot qualify for a loan let alone pay it back. But government does not seem to recognize that a negative feed back loop has been created and government is driving landlords out of being landlords. Landlords can do the very expensive process only once and walk away from the nightmare. Do you think you can get by with fewer landlords when you already have a shortage of housing? Does that help tenants? Why should the landlords lose their property to foreclosure because you want tenants to have free housing?

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The law in the residential landlord tenant area has changed every quarter in 2020 and now there are more complications and changes being done in the current legislation but at least it is projected to last 6 months. Maybe. Most landlords do not have attorneys on speed dial. I have trouble keeping up with it and I am an attorney with nearly 40 years experience in this area of law. If you don't understand it and I really don't think you do, why do you think the average landlord is going to understand it?

You are mostly hurting the small landlords as the large landlords can have highly trained staff and lawyers. Most of the time small landlords are on their own as they do not have the resources to hire attorneys regularly. You are driving the small landlords to stop being landlords because they cannot afford to dedicate their financial future to the welfare of tenants. That is not why they became landlords.

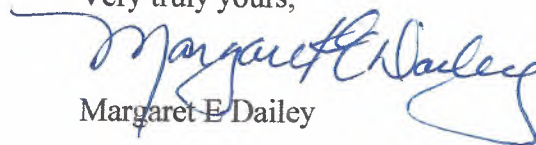
There is the assumption in government that all tenants are perfect but landlords are evil. You have tunnel vision and rose colored glasses. The failures of the Great Society are not the fault of landlords. Landlords are just your sacrificial goat. Landlords do not become landlords so that government can give away landlord's property to tenants. They will just stop being landlords.

Kicking the can down the road is not a solution. It may give time to find a solution but all government is done is kick the can down the road, again, again. So now there will not be an avalanche of evictions celebrating New Year's Day. Instead that celebration will be Independence Day. All past due rent becomes due on July 1, 2021. Could you pay back 15 months rent? Expecting that is a fiction. The economy is not going to be healed on July 1. You will just kick the can again, won't you?

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N.B.: The landlords trying to do the right thing take the eviction of tenants to court through a forcible entry and detainer action (FED). Most of the landlord tenant law in court is in the context of an FED. The really bad landlords, the ones you want to stop, don't bother going to court and do not pay any attention to the law. So making it more difficult on the landlords who go to court is not stopping bad landlords. It is only making it difficult on those who are trying to do the right thing. If you want to hold bad landlords accountable someone needs to sue them for their bad conduct. But that is not done because most often their tenants are not angels.

Very truly yours,

A handwritten signature in blue ink that reads "Margaret E. Dailey". The signature is fluid and cursive, with the first name being the most prominent.

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