

House Bill 2171

Sponsored by Representatives SMITH DB, WRIGHT (Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Repeals limits on increases to residential rent.

A BILL FOR AN ACT

1
2 Relating to rent increase limits; creating new provisions; amending ORS 90.323, 90.600 and 90.643;
3 and repealing ORS 90.324.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 90.323 is amended to read:

6 90.323. (1) If a tenancy is a week-to-week tenancy, the landlord may not increase the rent with-
7 out giving the tenant written notice at least seven days prior to the effective date of the rent in-
8 crease.

9 *[(2) For purposes of this section, the term "consumer price index" refers to the annual 12-month*
10 *average change in the Consumer Price Index for All Urban Consumers, West Region (All Items), as*
11 *published by the Bureau of Labor Statistics of the United States Department of Labor in September*
12 *of the prior calendar year.]*

13 [(3)] **(2)** During any tenancy other than week-to-week, the landlord may not increase the rent:

14 (a) During the first year after the tenancy begins.

15 (b) *[At any time after the first year of the tenancy]* Without giving the tenant written notice at
16 least 90 days prior to the effective date of the rent increase.

17 *[(c) During any 12-month period, in an amount greater than seven percent plus the consumer price*
18 *index above the existing rent except as permitted under subsection (7) of this section.]*

19 [(4)] **(3)** The notices required under this section must specify:

20 (a) The amount of the rent increase;

21 (b) The amount of the new rent; **and**

22 *[(c) Facts supporting the exemption authorized by subsection (7) of this section, if the increase is*
23 *above the amount allowed in subsection (3)(c) of this section; and]*

24 [(d)] **(c)** The date on which the increase becomes effective.

25 [(5)] **(4)** This section does not apply to tenancies governed by ORS 90.505 to 90.850.

26 [(6) A landlord terminating a tenancy with a 30-day notice without cause as authorized by ORS
27 90.427 (3) or (4) during the first year of a tenancy may not reset rent for the next tenancy in an amount
28 greater than seven percent plus the consumer price index above the previous rent.]

29 [(7) A landlord is not subject to subsection (3)(c) or (6) of this section if:]

30 [(a) The first certificate of occupancy for the dwelling unit was issued less than 15 years from the
31 date of the notice of the rent increase; or]

32 [(b) The dwelling unit is regulated or certified as affordable housing by a federal, state or local

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted.
New sections are in **boldfaced** type.

1 *government and the change in rent:]*

2 *[(A) Does not increase the tenant's portion of the rent; or]*

3 *[(B) Is required by program eligibility requirements or by a change in the tenant's income.]*

4 *[(8) A landlord that increases rent in violation of subsection (3)(c) or (6) of this section is liable to*
 5 *the tenant in an amount equal to three months' rent plus actual damages suffered by the tenant.]*

6 **SECTION 2.** ORS 90.600 is amended to read:

7 90.600. *[(1) For purposes of this section, the term "consumer price index" refers to the annual*
 8 *12-month average change in the Consumer Price Index for All Urban Consumers, West Region (All*
 9 *Items), as published by the Bureau of Labor Statistics of the United States Department of Labor in*
 10 *September of the prior calendar year.]*

11 *[(2)] (1) If a rental agreement is a month-to-month tenancy to which ORS 90.505 to 90.850 apply,*
 12 *the landlord may not increase the rent[:]*

13 *[(a)] without giving each affected tenant notice in writing at least 90 days prior to the effective*
 14 *date of the rent increase[; and].*

15 *[(b) During any 12-month period, in an amount greater than seven percent plus the consumer price*
 16 *index above the existing rent.]*

17 *[(3)] (2) The written notice required by subsection [(2)(a)] (1) of this section must specify:*

18 *(a) The amount of the rent increase;*

19 *(b) The amount of the new rent; and*

20 *[(c) Facts supporting the exemption authorized by subsection (4) of this section, if the increase is*
 21 *above the amount allowed in subsection (2)(b) of this section; and]*

22 *[(d)] (c) The date on which the increase becomes effective.*

23 *[(4) A landlord is not subject to subsection (2)(b) of this section if:]*

24 *[(a) The first certificate of occupancy for the dwelling unit was issued less than 15 years from the*
 25 *date of the notice of the rent increase; or]*

26 *[(b) The dwelling unit is regulated or certified as affordable housing by a federal, state or local*
 27 *government and the change in rent:]*

28 *[(A) Does not increase the tenant's portion of the rent; or]*

29 *[(B) Is required by program eligibility requirements or by a change in the tenant's income.]*

30 *[(5) A landlord that increases rent in violation of subsection (2)(b) of this section shall be liable to*
 31 *the tenant in an amount equal to three months' rent plus actual damages suffered by the tenant.]*

32 *[(6)] (3) This section does not create a right to increase rent that does not otherwise exist.*

33 *[(7)] (4) This section does not require a landlord to compromise, justify or reduce a rent increase*
 34 *that the landlord otherwise is entitled to impose.*

35 *[(8)] (5) Neither ORS 90.510 (1), requiring a landlord to provide a statement of policy, nor ORS*
 36 *90.510 (4), requiring a landlord to provide a written rental agreement, creates a basis for tenant*
 37 *challenge of a rent increase, judicially or otherwise.*

38 *[(9)(a)] (6)(a) The tenants who reside in a facility may elect one committee of seven or fewer*
 39 *members in a facility-wide election to represent the tenants. One tenant of record for each rented*
 40 *space may vote in the election. Upon written request from the tenants' committee, the landlord or*
 41 *a representative of the landlord shall meet with the committee within 10 to 30 days of the request*
 42 *to discuss the tenants' nonrent concerns regarding the facility. Unless the parties agree otherwise,*
 43 *upon a request from the tenants' committee, a landlord or representative of the landlord shall meet*
 44 *with the tenants' committee at least once, but not more than twice, each calendar year. The meeting*
 45 *shall be held on the premises if the facility has suitable meeting space for that purpose, or at a lo-*

1 cation reasonably convenient to the tenants. After the meeting, the tenants' committee shall send
 2 a written summary of the issues and concerns addressed at the meeting to the landlord. The landlord
 3 or the landlord's representative shall make a good faith response in writing to the committee's
 4 summary within 60 days.

5 (b) The tenants' committee may be entitled to informal dispute resolution under ORS 90.769 if
 6 the landlord or landlord's representative fails to meet with the tenants' committee or fails to respond
 7 in good faith to the written summary as required by paragraph (a) of this subsection.

8 **SECTION 3. The amendments to ORS 90.323 and 90.600 by sections 1 and 2 of this 2023**
 9 **Act apply to rent increases for which notice is given on or after the effective date of this 2023**
 10 **Act.**

11 **SECTION 4. ORS 90.324 is repealed.**

12 **SECTION 5.** ORS 90.643 is amended to read:

13 90.643. (1) A manufactured dwelling park may be converted to a planned community subdivision
 14 of manufactured dwellings pursuant to ORS 92.830 to 92.845. When a manufactured dwelling park is
 15 converted pursuant to ORS 92.830 to 92.845:

16 (a) Conversion does not require closure of the park pursuant to ORS 90.645 or termination of
 17 any tenancy on any space in the park or any lot in the planned community subdivision of manufac-
 18 tured dwellings.

19 (b) After approval of the tentative plan under ORS 92.830 to 92.845, the manufactured dwelling
 20 park ceases to exist, notwithstanding the possibility that four or more lots in the planned community
 21 subdivision may be available for rent.

22 (2) If a park is converted to a subdivision under ORS 92.830 to 92.845, and the landlord closes
 23 the park as a result of the conversion, ORS 90.645 applies to the closure.

24 (3) If a park is converted to a subdivision under ORS 92.830 to 92.845, but the landlord does not
 25 close the park as a result of the conversion:

26 (a) A tenant who does not buy the space occupied by the tenant's manufactured dwelling may
 27 terminate the tenancy and move. If the tenant terminates the tenancy after receiving the notice
 28 required by ORS 92.839 and before the expiration of the 60-day period described in ORS 92.840 (2),
 29 the landlord shall pay the tenant as provided in ORS 90.645 (1).

30 (b) If the landlord and the tenant continue the tenancy on the lot created in the planned com-
 31 munity subdivision, the tenancy is governed by ORS 90.100 to 90.465, except that the following pro-
 32 visions apply and, in the case of a conflict, control:

33 (A) ORS 90.510 (4) to (7) applies to a rental agreement and rules and regulations concerning the
 34 use and occupancy of the subdivision lot until the declarant turns over administrative control of the
 35 planned community subdivision of manufactured dwellings to a homeowners association pursuant to
 36 ORS 94.600 and 94.604 to 94.621. The landlord shall provide each tenant with a copy of the bylaws,
 37 rules and regulations of the homeowners association at least 60 days before the turnover meeting
 38 described in ORS 94.609.

39 (B) ORS 90.530 applies regarding pets.

40 (C) ORS 90.545 applies regarding the extension of a fixed term tenancy.

41 (D) ORS 90.600 [(2) to (8)] **(1) to (5)** applies to an increase in rent.

42 (E) ORS 90.620 applies to a termination by a tenant.

43 (F) ORS 90.630 applies to a termination by a landlord for cause. However, the sale of a lot in
 44 the planned community subdivision occupied by a tenant to someone other than the tenant is a good
 45 cause for termination under ORS 90.630 that the tenant cannot cure or correct and for which the

1 landlord must give written notice of termination that states the cause of termination at least 180
2 days before termination.

3 (G) ORS 90.632 applies to a termination of tenancy by a landlord due to the physical condition
4 of the manufactured dwelling.

5 (H) ORS 90.634 applies to a lien for manufactured dwelling unit rent.

6 (I) ORS 90.680 applies to the sale of a manufactured dwelling occupying a lot in the planned
7 community subdivision. If the intention of the buyer of the manufactured dwelling is to leave the
8 dwelling on the lot, the landlord may reject the buyer as a tenant if the buyer does not buy the lot
9 also.

10 (J) ORS 90.710 applies to a cause of action for a violation of ORS 90.510 (4) to (7), 90.630, 90.680
11 or 90.765.

12 (K) ORS 90.725 applies to landlord access to a rented lot in a planned community subdivision.

13 (L) ORS 90.730 (2), (3), (4) and (7) apply to the duty of a landlord to maintain a rented lot in a
14 habitable condition.

15 (M) ORS 90.750 applies to the right of a tenant to assemble or canvass.

16 (N) ORS 90.755 applies to the right of a tenant to speak on political issues and to post political
17 signs.

18 (O) ORS 90.765 applies to retaliatory conduct by a landlord.

19 (P) ORS 90.771 applies to the confidentiality of information provided to the Housing and Com-
20 munity Services Department about disputes.

21
