

House Bill 3169

Sponsored by Representative DEXTER

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**.

Requires annual registration and fee for each rental residential dwelling and vacation occupancy with Housing and Community Services Department. Authorizes penalties for noncompliance. Requires department to report on collected data.

Requires fees to be used to administer collection and to provide courses for managers of rental units and vacation occupancies.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to rented dwellings; creating new provisions; amending ORS 90.736 and 90.738; and declar-
3 ing an emergency.

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

5 **SECTION 1. Sections 2 and 3 of this 2023 Act is added to and made a part of ORS 90.100**
6 **to 90.465.**

7 **SECTION 2. (1) On or before February 1 of each year, every dwelling unit that is subject**
8 **to a rental agreement, available to be rented, or used or available to be used as a vacation**
9 **occupancy must be registered with the Housing and Community Services Department, in a**
10 **form or format designated by the department. Each owner, landlord and manager of the**
11 **dwelling unit are jointly responsible for the unit's registration.**

12 **(2) The registration shall include the following information for each unit:**

13 **(a) The name, mailing address and telephone number of the landlord or any manager of**
14 **the unit;**

15 **(b) The name of each owner of the unit and each owner's percentage of ownership;**

16 **(c) The physical address of the unit;**

17 **(d) The property type of the unit and type of use of the unit;**

18 **(e) The number of bedrooms in the unit; and**

19 **(f) The year the structure containing the dwelling unit was constructed and the date of**
20 **first certificate of occupancy.**

21 **(3) A new rental or vacation occupancy unit must be registered with the department no**
22 **later than 60 days after the unit is first rented or listed as available for rent.**

23 **(4) The department shall charge each person filing a registration a fee of:**

24 **(a) \$__ per unit to register more than 20 units;**

25 **(b) \$__ per unit to register more than five but 20 or fewer units; or**

26 **(c) \$__ per unit to register five or fewer units.**

27 **(5) Units of housing subject to an affordability restriction that makes the units available**
28 **only to families receiving less than 60 percent of the area median income are exempt from**
29 **the registration fee under subsection (4) of this section.**

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 **(6) The department shall send a written reminder notice to each landlord that holds a**
 2 **current registration under this section before the due date for the landlord to file a new**
 3 **registration. The department shall confirm receipt of a registration.**

4 **(7) Moneys from registration fees described in subsection (4) of this section must be de-**
 5 **posited into a subaccount of the Housing Finance Fund. Moneys in the subaccount may be**
 6 **used only to fund the department’s duties under this section and section 3 of this 2023 Act.**

7 **(8) Units in a facility registered under ORS 90.732 are not required to be registered under**
 8 **this section.**

9 **(9) On an annual basis, the department shall publish a report summarizing aggregate**
 10 **data about rental housing based on information collected under this section and ORS 90.732.**

11 **SECTION 3. (1) The Housing and Community Services Department shall contract with a**
 12 **nonprofit trade association in Oregon representing property management interests to pro-**
 13 **vide no-cost education classes relating to the management of residential properties used as**
 14 **rental properties or vacation occupancies.**

15 **(2) The department shall ensure that classes under this section:**

16 **(a) Are offered at least once every six months;**

17 **(b) Have instruction material approved by the department;**

18 **(c) Have at least one-half of the class instruction on one or more provisions of this**
 19 **chapter, ORS 105.105 to 105.168, fair housing law or other laws relating to landlords and**
 20 **tenants and vacation occupancies; and**

21 **(d) Provide a certificate of completion to all attendees.**

22 **SECTION 4. ORS 90.736 is amended to read:**

23 90.736. (1) The Housing and Community Services Department may assess a civil penalty against
 24 a landlord or owner if the department finds that the landlord or owner has not complied with ORS
 25 90.732 or 90.734 **or section 2 of this 2023 Act.** The civil penalty may not exceed \$1,000. The de-
 26 partment shall assess the civil penalty according to the schedule of penalties developed by the de-
 27 partment under ORS 90.738. In assessing a civil penalty under this section, the department shall take
 28 into consideration any good faith efforts by the landlord or owner to comply with ORS 90.732 or
 29 90.734 **or section 2 of this 2023 Act.**

30 **(2) The department shall deposit a civil penalty assessed under this section as follows:**

31 **(a) For a violation of section 2 of this 2023 Act, in the subaccount described in section 2**
 32 **(7) of this 2023 Act; or**

33 **(b) For a violation of ORS 90.732 or 90.734, in the Manufactured and Marina Communities**
 34 **Account.**

35 **(3) If a civil penalty assessed under this section is not paid on or before 90 days after the order**
 36 **assessing the civil penalty becomes final by operation of law, the department may file the order with**
 37 **the county clerk of the county where the facility or dwelling unit is located as a lien against the**
 38 **facility or the real property on which the unit is located.** In addition to any other available
 39 remedy, recording the order in the County Clerk Lien Record has the effect provided for in ORS
 40 205.125 and 205.126 and the order may be enforced as provided in ORS 205.125 and 205.126.

41 **SECTION 5. ORS 90.738 is amended to read:**

42 90.738. [(1)] The Housing and Community Services Department shall adopt rules for the admin-
 43 istration and enforcement of ORS 90.732 and 90.734 **and sections 2 and 3 of this 2023 Act.** The
 44 rules shall include, but need not be limited to, a rule that establishes a schedule of civil penalties
 45 for noncompliance that is consistent with the amount limitation established under ORS 90.736.

1 *[(2) The department shall appoint an advisory committee to advise the department in drafting the*
2 *rules required by subsection (1) of this section and to assist the department in implementing and ad-*
3 *ministering the duties of the department regarding the registration and continuing education require-*
4 *ments established in ORS 90.732 and 90.734. The advisory committee shall include representatives of*
5 *interested parties, including but not limited to representatives of manufactured dwelling park landlords*
6 *and representatives of manufactured dwelling park tenants.]*

7 **SECTION 6. This 2023 Act being necessary for the immediate preservation of the public**
8 **peace, health and safety, an emergency is declared to exist, and this 2023 Act takes effect**
9 **on its passage.**

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