

Enrolled Senate Bill 611

Sponsored by Senator CAMPOS, Representatives VALDERRAMA, NERON, Senators GELSER BLOUIN, JAMA, Representative GAMBA; Senators DEMBROW, MANNING JR, PATTERSON, WOODS, Representatives CHAICHI, HUDSON, MCLAIN, PHAM K (Presession filed.)

CHAPTER

AN ACT

Relating to residential tenancies; creating new provisions; amending ORS 90.323, 90.324, 90.600 and 90.643; and declaring an emergency.

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

NOTE: Sections 1 and 2 were deleted by amendment. Subsequent sections were not renumbered.

SECTION 3. ORS 90.324 is amended to read:

90.324. (1) No later than September 30th of each year, the Oregon Department of Administrative Services shall calculate the maximum annual rent increase percentage allowed by ORS 90.323 [(3)] (2) or 90.600 [(2)] (1) for the following calendar year as *[seven]* **the lesser of:**

(a) **Ten percent; or**

(b) **Seven** percent plus the September annual 12-month average change in the Consumer Price Index for All Urban Consumers, West Region (All Items), as most recently published by the Bureau of Labor Statistics of the United States Department of Labor.

(2) No later than September 30th of each year, the Oregon Department of *[Administration]* **Administrative** Services shall publish the maximum annual rent increase percentage calculated pursuant to subsection (1) of this section, along with the provisions of ORS 90.323 and 90.600, in a press release.

(3) The department shall maintain publicly available information on its website about the maximum annual rent increase percentage for the previous calendar year and for the current calendar year and, on or after September 30th of each year, for the following calendar year.

SECTION 4. ORS 90.323 is amended to read:

90.323. (1) If a tenancy is a week-to-week tenancy, the landlord may not increase the rent without giving the tenant written notice at least seven days prior to the effective date of the rent increase.

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

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

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

(b) At any time after the first year of the tenancy without giving the tenant written notice at least 90 days prior to the effective date of the rent increase.

(c) **More than once in any 12-month period.**

[(c)] (d) [During any 12-month period, in an amount greater than seven percent plus the consumer price index above the existing rent] Except as permitted under subsection *[(7)] (5)* of this section~~[,]~~, **by a percentage greater than the maximum calculated under ORS 90.324 (1).**

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

- (a) The amount of the rent increase;
- (b) The amount of the new rent;

(c) Facts supporting the exemption authorized by subsection *[(7)] (5)* of this section, if the increase is above the amount allowed in subsection *[(3)(c)] (2)(d)* of this section; and

(d) The date on which the increase becomes effective.

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

[(6)] (4) A landlord terminating a tenancy with a 30-day notice without cause as authorized by ORS 90.427 (3) or (4) during the first year of a tenancy may not *[reset]* **charge** rent for the next tenancy in an amount greater than *[seven percent plus the consumer price index above the previous rent]* **the maximum amount the landlord could have charged the terminated tenancy under this section.**

[(7)] (5) A landlord is not subject to subsection *[(3)(c) or (6)] (2)(d) or (4)* of this section if:

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

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

- (A) Does not increase the tenant's portion of the rent; or
- (B) Is required by program eligibility requirements or by a change in the tenant's income.

[(8)] (6) A landlord that increases rent in violation of subsection *[(3)(c) or (6)] (2)(d) or (4)* of this section is liable to the tenant in an amount equal to three months' rent plus actual damages suffered by the tenant.

(7) This section does not apply to tenancies governed by ORS 90.505 to 90.850.

SECTION 5. ORS 90.600 is amended to read:

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

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

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

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

(b) More than once in any 12-month period; or

(c) By a percentage greater than the maximum calculated under ORS 90.324 (1).

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

- (a) The amount of the rent increase;
- (b) The amount of the new rent;

(c) Facts supporting the exemption authorized by subsection *[(4)] (3)* of this section, if the increase is above the amount allowed in subsection *[(2)(b)] (1)(c)* of this section; and

(d) The date on which the increase becomes effective.

[(4)] (3) A landlord is not subject to subsection *[(2)(b)] (1)(c)* of this section if:

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

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

- (A) Does not increase the tenant's portion of the rent; or
- (B) Is required by program eligibility requirements or by a change in the tenant's income.

[(5)] (4) A landlord that increases rent in violation of subsection [(2)(b)] (1)(c) of this section shall be liable to the tenant in an amount equal to three months' rent plus actual damages suffered by the tenant.

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

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

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

[(9)(a)] (8)(a) The tenants who reside in a facility may elect one committee of seven or fewer members in a facility-wide election to represent the tenants. One tenant of record for each rented space may vote in the election. Upon written request from the tenants' committee, the landlord or a representative of the landlord shall meet with the committee within 10 to 30 days of the request to discuss the tenants' nonrent concerns regarding the facility. Unless the parties agree otherwise, upon a request from the tenants' committee, a landlord or representative of the landlord shall meet with the tenants' committee at least once, but not more than twice, each calendar year. The meeting shall be held on the premises if the facility has suitable meeting space for that purpose, or at a location reasonably convenient to the tenants. After the meeting, the tenants' committee shall send a written summary of the issues and concerns addressed at the meeting to the landlord. The landlord or the landlord's representative shall make a good faith response in writing to the committee's summary within 60 days.

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

SECTION 6. The amendments to ORS 90.323, 90.324 and 90.600 by sections 3 to 5 of this 2023 Act apply to rent increase notices given on or after the effective date of this 2023 Act.

SECTION 7. ORS 90.643 is amended to read:

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

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

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

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

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

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

(b) If the landlord and the tenant continue the tenancy on the lot created in the planned community subdivision, the tenancy is governed by ORS 90.100 to 90.465, except that the following provisions apply and, in the case of a conflict, control:

(A) ORS 90.510 (4) to (7) applies to a rental agreement and rules and regulations concerning the use and occupancy of the subdivision lot until the declarant turns over administrative control of the planned community subdivision of manufactured dwellings to a homeowners association pursuant to ORS 94.600 and 94.604 to 94.621. The landlord shall provide each tenant with a copy of the bylaws,

rules and regulations of the homeowners association at least 60 days before the turnover meeting described in ORS 94.609.

(B) ORS 90.530 applies regarding pets.

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

(D) ORS 90.600 [(2) to (8)] **(1) to (7)** applies to an increase in rent.

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

(F) ORS 90.630 applies to a termination by a landlord for cause. However, the sale of a lot in the planned community subdivision occupied by a tenant to someone other than the tenant is a good cause for termination under ORS 90.630 that the tenant cannot cure or correct and for which the landlord must give written notice of termination that states the cause of termination at least 180 days before termination.

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

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

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

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

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

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

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

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

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

(P) ORS 90.771 applies to the confidentiality of information provided to the Housing and Community Services Department about disputes.

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

Passed by Senate June 20, 2023

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Lori L. Brocker, Secretary of Senate

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Rob Wagner, President of Senate

Passed by House June 24, 2023

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Dan Rayfield, Speaker of House

Received by Governor:

.....M,....., 2023

Approved:

.....M,....., 2023

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Tina Kotek, Governor

Filed in Office of Secretary of State:

.....M,....., 2023

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Secretary of State