

B-Engrossed
Senate Bill 611

Ordered by the Senate May 8
Including Senate Amendments dated April 25 and May 8

Sponsored by Senator CAMPOS, Representatives VALDERRAMA, NERON, Senator GELSER BLOUIN, Representative GAMBIA; Senators DEMBROW, MANNING JR, WOODS, Representatives CHAICHI, HUDSON, MCLAIN, PHAM K (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.

[Limits] **Caps** annual rent increases for residential tenancies.
Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to residential tenancies; creating new provisions; amending ORS 90.323, 90.324, 90.600 and
3 90.643; and declaring an emergency.

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

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

6 **SECTION 3.** ORS 90.324 is amended to read:

7 90.324. (1) No later than September 30th of each year, the Oregon Department of Administrative
8 Services shall calculate the maximum annual rent increase percentage allowed by ORS 90.323 [(3)]
9 (2) or 90.600 [(2)] (1) for the following calendar year as [seven] **the lesser of:**

10 (a) **Ten percent; or**

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

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

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

21 **SECTION 4.** ORS 90.323 is amended to read:

22 90.323. (1) If a tenancy is a week-to-week tenancy, the landlord may not increase the rent with-
23 out giving the tenant written notice at least seven days prior to the effective date of the rent in-
24 crease.

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

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 of the prior calendar year.]

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

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

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

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

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

10 [(4)] (3) The notices required under this section must specify:

11 (a) The amount of the rent increase;

12 (b) The amount of the new rent;

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

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

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

17 [(6)] (4) A landlord terminating a tenancy with a 30-day notice without cause as authorized by
18 ORS 90.427 (3) or (4) during the first year of a tenancy may not *[reset]* **charge** rent for the next
19 tenancy in an amount greater than *[seven percent plus the consumer price index above the previous
20 rent]* **the maximum amount the landlord could have charged the terminated tenancy under
21 this section.**

22 [(7)] (5) A landlord is not subject to subsection [(3)(c) or (6)] (2)(d) or (4) of this section if:

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

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

27 (A) Does not increase the tenant's portion of the rent; or

28 (B) Is required by program eligibility requirements or by a change in the tenant's income.

29 [(8)] (6) A landlord that increases rent in violation of subsection [(3)(c) or (6)] (2)(d) or (4) of
30 this section is liable to the tenant in an amount equal to three months' rent plus actual damages
31 suffered by the tenant.

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

33 **SECTION 5.** ORS 90.600 is amended to read:

34 90.600. [(1) *For purposes of this section, the term "consumer price index" refers to the annual
35 12-month average change in the Consumer Price Index for All Urban Consumers, West Region (All
36 Items), as published by the Bureau of Labor Statistics of the United States Department of Labor in
37 September of the prior calendar year.*]

38 [(2)] (1) If a rental agreement is a month-to-month tenancy to which ORS 90.505 to 90.850 apply,
39 the landlord may not increase the rent:

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

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

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

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

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

2 (a) The amount of the rent increase;

3 (b) The amount of the new rent;

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

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

7 [(4)] (3) A landlord is not subject to subsection [(2)(b)] (1)(c) of this section if:

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

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

12 (A) Does not increase the tenant's portion of the rent; or

13 (B) Is required by program eligibility requirements or by a change in the tenant's income.

14 [(5)] (4) A landlord that increases rent in violation of subsection [(2)(b)] (1)(c) of this section
15 shall be liable to the tenant in an amount equal to three months' rent plus actual damages suffered
16 by the tenant.

17 [(6)] (5) This section does not create a right to increase rent that does not otherwise exist.

18 [(7)] (6) This section does not require a landlord to compromise, justify or reduce a rent increase
19 that the landlord otherwise is entitled to impose.

20 [(8)] (7) Neither ORS 90.510 (1), requiring a landlord to provide a statement of policy, nor ORS
21 90.510 (4), requiring a landlord to provide a written rental agreement, creates a basis for tenant
22 challenge of a rent increase, judicially or otherwise.

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

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

38 **SECTION 6. The amendments to ORS 90.323, 90.324 and 90.600 by sections 3 to 5 of this**
39 **2023 Act apply to rent increase notices given on or after the effective date of this 2023 Act.**

40 **SECTION 7.** ORS 90.643 is amended to read:

41 90.643. (1) A manufactured dwelling park may be converted to a planned community subdivision
42 of manufactured dwellings pursuant to ORS 92.830 to 92.845. When a manufactured dwelling park is
43 converted pursuant to ORS 92.830 to 92.845:

44 (a) Conversion does not require closure of the park pursuant to ORS 90.645 or termination of
45 any tenancy on any space in the park or any lot in the planned community subdivision of manufac-

1 tured dwellings.

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

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

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

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

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

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

22 (B) ORS 90.530 applies regarding pets.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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