

House Bill 3113

Sponsored by Representative KOTEK

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**.

Removes exemption from rent increase limits for landlords renting under government programs reducing rents.

A BILL FOR AN ACT

Relating to rent increase notices; amending ORS 90.323 and 90.600.

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

SECTION 1. 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) 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) 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) of this section*].

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

(a) The amount of the rent increase;

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

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

[(d)] (c) 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) 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 rent for the next tenancy in an amount greater than seven percent plus the consumer price index above the previous rent.

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

[(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 landlord is providing reduced rent to the tenant as part of a federal, state or local program]

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 *or subsidy.]*

2 **(7) Subsection (3)(c) of this section does not apply to tenancies in a dwelling unit for**
 3 **which the first certificate of occupancy was issued less than 15 years prior to the notice if**
 4 **the rent increase notice includes facts supporting this exemption.**

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

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

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

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

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

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

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

19 (a) The amount of the rent increase;

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

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

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

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

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

27 [*(b) The landlord is providing reduced rent to the tenant as part of a federal, state or local program*
 28 *or subsidy.]*

29 **(4) Subsection (2)(b) of this section does not apply to tenancies in a space in a facility**
 30 **that was first occupied by a tenant less than 15 years prior to the notice if the rent increase**
 31 **notice includes facts supporting this exemption.**

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

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

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

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

40 (9)(a) The tenants who reside in a facility may elect one committee of seven or fewer members
 41 in a facility-wide election to represent the tenants. One tenant of record for each rented space may
 42 vote in the election. Upon written request from the tenants' committee, the landlord or a represen-
 43 tative of the landlord shall meet with the committee within 10 to 30 days of the request to discuss
 44 the tenants' nonrent concerns regarding the facility. Unless the parties agree otherwise, upon a
 45 request from the tenants' committee, a landlord or representative of the landlord shall meet with the

1 tenants' committee at least once, but not more than twice, each calendar year. The meeting shall
2 be held on the premises if the facility has suitable meeting space for that purpose, or at a location
3 reasonably convenient to the tenants. After the meeting, the tenants' committee shall send a written
4 summary of the issues and concerns addressed at the meeting to the landlord. The landlord or the
5 landlord's representative shall make a good faith response in writing to the committee's summary
6 within 60 days.

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

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