

HB 4123 -1, -3 STAFF MEASURE SUMMARY

House Committee On Housing and Homelessness

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Meeting Dates: 2/5, 2/10

WHAT THE MEASURE DOES:

The measure establishes limits on a landlord’s disclosure of tenant and applicant information by adding new confidentiality protections and takes effect on the 91st day following adjournment sine die.

Detailed Summary:

Defines “confidential information” to include specified personal, financial, employment, immigration, medical, disability, and protected-class information, as well as records related to the assertion of certain tenant rights and protections under state and federal law.

Prohibits a landlord from disclosing confidential information about a tenant, former tenant, applicant, or household member.

Authorizes disclosure only in specified circumstances, including with written consent, pursuant to a court order or judicial warrant or subpoena, to comply with affordable housing regulations, to conduct applicant screening for a tenancy, to respond to landlord reference requests, or for insurance, collection, or administrative or court actions. Allows an individual to recover damages equal to twice the monthly rent of the tenancy or prospective tenancy if a landlord knowingly violates the disclosure prohibition.

FISCAL: Has minimal fiscal impact

REVENUE: No revenue impact

ISSUES DISCUSSED:

- Current practices for storing and sharing tenant data
- Guidelines for protecting and disclosure sensitive tenant data
- Exemptions for routine operational data

EFFECT OF AMENDMENT:

-1 The amendment permits landlords to disclose tenant information if necessary to share a phone number or electronic email address for repair, maintenance or utilities or services in addition to the other exemptions from disclosing tenant information.

-3 The amendment modifies the definition of "confidential information" to remove individual taxpayer identification number or other government-issued identification and immigration or citizenship status. It allows landlords to release confidential information if required by an administrative warrant or subpoena in addition to a court order or judicial warrant or subpoena.

BACKGROUND:

Landlord–tenant confidentiality laws establish rules governing how landlords and property managers collect, use, store, and disclose information about tenants and rental applicants. Although specific requirements vary by jurisdiction, such laws generally regulate information obtained during the application, leasing, and tenancy periods. Commonly protected information includes identifying details, contact information, financial and income data, credit history, household composition, immigration or citizenship information, medical or disability-related records, and records related to the exercise of tenant rights. Landlord–tenant confidentiality frameworks typically require landlords to safeguard this information and restrict disclosure to third parties unless the tenant provides consent, or the disclosure is otherwise authorized by law. Oregon law includes several provisions that address the

This summary has not been adopted or officially endorsed by action of the committee.

confidentiality of tenant information within the broader landlord-tenant statutory framework. Current statutes prohibit landlords from disclosing or threatening to disclose an applicant's or tenant's immigration or citizenship status when done with the intent to harass, retaliate against, or intimidate (ORS 90.388).

PRELIMINARY