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Support for HB 4123
House Committee on Housing and Homelessness
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Chair Marsh, Vice-Chairs Andersen and Breese-Iverson, and members of the Committee:

On behalf of the Oregon Law Center, thank you for the opportunity to testify in support of House Bill 4123, which would update Oregon's Residential Landlord Tenant Act to provide simple confidentiality protections for certain private tenant information.

OLC's mission is to achieve justice for low-income communities of Oregon by providing a full range of the highest quality civil legal services. Helping families maintain safe, stable housing is a critical part of our work.

Over the last several years, we have become more aware of the need for consumer protection in the housing space, regarding sensitive financial, identifying, and private data, which if made public can put people at risk of domestic violence, theft, fraud, and other harms.

This legislature has taken important steps in many contexts to provide reasonable consumer protections against inappropriate disclosure of private information. However, there is currently no Oregon landlord-tenant law providing confidentiality protection for sensitive tenant information.

In the course of applying for, securing, and maintaining housing, tenants and applicants share significant amounts of personally identifying, financially sensitive, and other private information with their landlords and property managers.

Information that may be in a tenant's file includes: financial information including banking information, employer and income information, government ID including social security number or ITIN, immigration or citizenship status, information about status as a victim of domestic or sexual violence, information about medical conditions or disability, and more.

Best practices are certainly to treat this information as confidential. And we have appreciated several opportunities in which our staff have collaborated with landlord industry groups to provide training and guidance on the topic. But, since nothing is specifically written in law, practices are inconsistent and there is nowhere to look in the statute for guidance. As a result, there is a lack of certainty for tenants and for landlords.

The harm caused by the lack of statutory protection can show up in our clients' lives in a variety of ways:

- In the case of domestic or sexual violence, disclosure of someone's status as a victim could expose them to shame or embarrassment, and disclosure of private information could put the victim tenant at risk of stalking or abuse;



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- Disclosure of someone's social security number, govt ID, or bank account information can lead to fraud or identity theft;
- Disclosure of someone's immigration status, disability, or protected class status could subject them to harassment or abuse.

This issue has been of concern to us for several years, and is now of overwhelming importance to our client communities due to the fear of government overreach against a backdrop of ICE abuses.

HB 4123 will address these concerns by codifying a simple standard to provide security for tenants and easy-to-find guidance, clarity and consistency for landlords. The bill will offer a general rule of confidentiality for specific private information, while containing exemptions that were drafted with input from stakeholders designed to allow landlords to continue doing business uninterrupted.

Key elements of the bill:

- Adds a clear and simple provision to Landlord Tenant law that personally identifying, financially sensitive, and other private information may not be disclosed without the separate written consent of the tenant, unless in response to a court order or specific exemption.
- Clearly defines the types of information that must be kept confidential.
- Does not apply to sharing of information for business necessities like conducting background or reference checks, debt collection or administrative or court actions involving the landlord.
 - *For example, this would allow sharing to the extent necessary in court actions such as eviction cases, and to ensure compliance with the service members' relief act, as necessary in municipal code proceedings, and the like.*
- Ensures that affordable housing providers required to share information with their funders would be exempt from any contradictory requirements.
- Creates penalty of 2 months' rent for violation if there is a knowing disclosure.
 - *Note that this provision was carefully crafted and narrowly tailored to ensure that it only applies to knowing disclosures. The intent here is to establish a standard whereby landlords have a bright line and develop a consistent practice of respecting privacy. This standard does not apply in cases of theft or hacking – it is intended to make sure that landlords are protecting tenant privacy by not knowingly making disclosures. This proposed remedy also does not include actual damages.*

We sought feedback from stakeholders in crafting the concept, which is reflected in the introduced bill. We have since come to an agreement on the Dash One Amendment that is posted, which creates one additional category of exception, allowing the sharing (without the need for written consent) of email and phone number information as necessary for purposes of repair/maintenance/utility and services delivery.



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In closing:

Privacy protections are urgently needed in housing, because we all want and deserve to feel safe at home. Tenants need to know their private information is secure. And landlords will benefit from having a bright line that will provide legal clarity, consistency and certainty. HB 4123 has no fiscal impact, is simple to follow, and delivers meaningful protections for tenants.

For all of the above reasons, we respectfully urge your support of HB 4123. Thank you for the opportunity to testify and for your service to Oregonians.