

To: Senate Committee on Housing and Development

March 18, 2021, hearing on SB 282-3

From: John VanLandingham, Oregon Law Center

EXPLANATION OF A LANDLORD'S REMEDIES REGARDING EXTENDED GUESTS

Landlord leaders have asked for clarification of their rights and responsibilities regarding extended guests allowed pursuant to SB 282-3 (14).

A. General comments:

1. Under current Oregon law, a tenant is responsible for the conduct of the tenant's guests. The bill does not change that.
2. Similarly, a landlord has the right under ORS 90.392 and other sections of the Oregon Residential Landlord and Tenant Act to terminate a tenancy for violations of the law or the rental agreement or to impose a fee pursuant to ORS 90.302 for a noncompliance with a rule – except, pursuant to Section 14, not for exceeding a maximum occupancy rule or a limit on the duration of a guest.
3. Section 14 regarding guests sunsets on February 28, 2022.

B. Specific comments:

1. If a guest resides in the rental unit for more than 15 days in any 12-month period, the landlord – at the landlord's sole discretion – may choose to do either or both of the following:

a. Require that the guest satisfy the landlord's customary screening or admission criteria, not including income or credit since the tenant is the person responsible for paying the rent.

b. Require the tenant and the guest to enter a written Temporary Occupancy Agreement which outlines the roles of the landlord, the tenant, and the guest, pursuant to ORS 90.275.

2. If the tenant or the guest fails to do either of these, as required by the landlord, the landlord can terminate the tenant's tenancy with a 30/14 day for-cause termination notice pursuant to ORS 90.392; the tenant would have 14 days to cure the cause, which could include removing the guest.

3. That includes the guest failing to satisfy the landlord's screening criteria.

4. The landlord's rules continue to apply to both the tenant and the guest, except as noted above about occupancy number and length.

5. The guest is not a tenant and has no right to occupy the rental unit except at the invitation of the tenant and consistent with the above.

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f/john/SB 282 re guests