

ORDINANCE NS- 2283

AN ORDINANCE AMENDING THE BEND CODE TO ADD CHAPTER 5.60, ADDITIONAL TENANT PROTECTIONS

Findings:

- A. Bend and Central Oregon face a residential vacancy rate that has been less than 1.5% for the past four years.¹
- B. The regional low vacancy rate has coincided with significant rent increases and increasing home prices.²
- C. High rents and low vacancy rates contribute to housing instability and insecurity for many residents.
- D. The Residential Landlord and Tenant Act (ORS Chapter 90) allows for no-cause terminations of month-to-month rental agreements with 30 days written notice during the first year of tenant occupancy, and with 60 days written notice after the first year of occupancy.
- E. The Bend City Council received many emails on this issue from citizens, tenants and landlords of varying views, and heard a useful and persuasive presentation from Affordable Housing Committee members.
- F. Council has determined that many tenants would benefit from having more time to find and secure new rental housing in the current market, and desires to enact a modest increase in the time for no cause eviction notices.
- G. In order to provide tenants with more time to find and secure new housing, the minimum written notice of a no-cause termination of tenancy should be 90 days following the first year of occupancy.
- H. Council believes that leaving the amount of required notice unchanged during the first year of occupancy reflects a reasonable compromise between the interests of tenants and landlords, and may mitigate against some unintended consequences to tenants that might result from imposing a blanket 90 day notice requirement during the first year of occupancy.

¹ Bulletin staff report (2016, June 4). Rental vacancy rate hits 1.04 percent in region. *The Bulletin*. Retrieved from www.bendbulletin.com

² Hamill, Luke (2015, October 17). Bend becoming unaffordable as hot-and-cold housing market rises again. *The Oregonian*. Retrieved from www.oregonlive.com

I. With increasing housing insecurity and instability for many city residents, this ordinance is necessary for the immediate protection of public health, safety, and general welfare, and this ordinance shall become effective upon the date of adoption.

Based on these findings, the City of Bend ordains as follows:

Section 1. Chapter 5.60 is added to the Bend Code:

Chapter 5.60 Additional Tenant Protections

5.60.005 Purpose and Scope

The protections of this chapter are intended to provide tenants in the city of Bend with protections that supplement the Oregon Residential Landlord and Tenant Act (the Act). The provisions of this chapter apply to residential dwelling units within the City of Bend that are subject to a month-to-month rental agreement covered by the Act where the tenant has occupied the dwelling for more than one year, but do not change the amount of notice required by state law where the dwelling unit is being sold to a purchaser who intends to occupy the dwelling unit as their primary residence.

5.60.010 90 Day Notice Required

A. When a tenant has occupied a dwelling for more than one year, a landlord may terminate a rental agreement without cause specified in the Act only by delivering a written notice of termination to the tenant: (a) not less than 90 days before the termination date designated in that notice as calculated under the Act; or (b) the time period designated in the rental agreement, whichever is longer. This requirement does not apply to rental agreements for week-to-week tenancy or to tenants that occupy the same dwelling unit as the landlord.

B. A landlord that fails to comply with any of the requirements set forth in this chapter shall be liable to the tenant for an amount up to three months rent as well as actual damages, reasonable attorney fees, and costs. Any tenant claiming to be aggrieved by a landlord's noncompliance with the foregoing has a cause of action in any court of competent jurisdiction for these damages and such other remedies as may be appropriate.

Section 2. All other provisions of the Bend Code remain unchanged and in full effect.

First Reading Date: December 7, 2016

Second Reading Date: December 21, 2016

Adopted by roll call vote on: December 21, 2016

YES: Jim Clinton, Mayor
Doug Knight
Nathan Boddie
Barb Campbell

NO: Casey Roats
Sally Russell


Jim Clinton, Mayor

ATTEST:


Robyn Christie, City Recorder


Mary Winters, City Attorney