



Portland's New Rent Increase and Termination Notice Ordinance

On October 15, 2015

the Portland City Council unanimously passed a measure amending Portland's Affordable Housing Preservation Code (Code Chapter 30.01). The amendment changes the title of Code Chapter 30.01 from "Affordable Housing Preservation" to "Affordable Housing Preservation *and Portland Renter Protections*."



What does that mean for me as a Rental Property Owner?

In addition to the protections set forth in the Residential Landlord and Tenant Act, the following additional provisions apply to Tenants that have a Rental Agreement for Premises covered by the Act.

- A Landlord may terminate a Rental Agreement without cause - not less than ninety (90) days before the termination date designated in that notice.
- A Landlord may not increase the Tenant's rent or associated Housing Costs by 5 percent or more over a 12 month period unless the Landlord gives notice 90 days in advance.
- Failure to comply with any of the requirement set forth above and the Landlord may be liable to the Tenant for damages up to three months Rent as well as actual damages, attorney fees and costs.

Summary

90 Day No Cause Notices: No cause notices must be served not less than 90 days prior to the stated termination date, or the time period designated in the parties rental agreement, whatever is longer.

90 Day Rent Increases: In order to increase the rent by 5 percent or more - a landlord must serve a Notice of Rent Increase not less than 90 days prior to the stated termination date, or the time period designated in the parties' rental agreement, whichever is longer.

When does the new law take effect? November 13, 2015. It does not matter what county. This law expires in one year; however, it may be extended.

Do I have to amend Rental Agreements? No. The new law supersedes any contrary language found in your rental Agreement.

Is the new law legal? Good question! Professionals in the housing industry, Landlords, and Landlord attorneys do not believe it is legal. ORS 91.225 contains statewide prohibitions that prohibit Rent Control. There are a variety of issues pertaining to the supremacy of state law (over local laws) that are now being discussed. Until the new law has been tested by the local courts ...don't violate it.

How do we word renewal letters wherein the tenant is offered varying rent rate options, depending on the length of their tenancy? If one of the options will exceed 5% rent increase, then serve the renewal letter upon the tenant at least 90 days prior to the date upon which the rent increase will take place.



The Alpine Group, Inc.

The Alpine Group, Inc. is an established Residential Property Management Company in the Portland, Oregon and surrounding areas. Dedicated in managing your property with Experience, Efficiently and Ethically. The Alpine Group, Inc. are members of Multi-Family Northwest, Rental Housing Alliance, and Oregon Rental Housing Association and active in promoting Landlord Rights.

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