

From: [Kim McCarty](#)
To: [Council Clerk – Testimony](#)
Cc: kmccarty@oregoncat.org
Subject: FAIR Amendments
Date: Wednesday, June 22, 2022 7:22:26 AM

Commissioner Dan Ryan and Portland City Council Commissioners.

I am writing to you as the Executive Director of the Community Alliance of Tenants.

I oppose “ Amend Evaluation of Applicants for Dwelling Units and Security Deposits; Pre-paid Rent Code and adopt the Portland Housing Bureau’s Rental Housing Security Deposits Permanent Administrative Rule (amend Code Sections 30.01.086 and 30.01.087 because the process and outcome does not benefit tenants.

In my opinion, the FAIR amendments were made without proper consultation with stakeholders such as low income tenants and housing advocates, such as CAT, that gave considerable attention and effort to the original FAIR ordinance. I especially oppose the change to the landlord penalty from 2x security deposit to \$250 per incident. The original ordinance penalties were designed to be a deterrent to abuses of this ordinance. To our knowledge the original penalties were not damaging to the interests of landlords and probably rarely, if ever, invoked because tenants would have to seek their right of action and win for a landlord to experience a judgement. The reason for high penalties was to create an incentive for landlords to follow the law. Tenants, especially low income tenants, rarely sue because they cannot afford legal counsel to exercise their rights. This change is also a disincentive for legal counsel to represent because the penalties are too low for an attorney to recoup their costs even if they prevail. This power imbalance between landlord and tenant is not trivial. If you want this ordinance to be respected it must retain the higher penalties for failure to follow the ordinance. While I respect the fact that this ordinance needed to be amended because of the law suit and to improve alignment with intent, on behalf of CAT I ask that the original penalties be retuned and that further consultation happen with housing advocates to ensure alignment with the intent of the ordinance. Thank you for your consideration of my opinion.

Sincerely,

Kim McCarty
Executive Director
Community Alliance of Tenants

Sent from my iPhone

From: [melly belly](#)
To: [Wheeler, Mayor](#); [Commissioner Hardesty](#); [Commissioner Ryan Office](#); [Commissioner Rubio](#); [Commissioner Mapps](#); [Council Clerk – Testimony](#)
Subject: vote-to-undo-tenant-security-deposit-protections-wednesday
Date: Wednesday, June 22, 2022 9:57:55 AM

Dear Mayor Wheeler and Council Members,

We're already getting a rise in rent shock combined with inflation shocks in the Portland Metro area. As you are already aware, the landlords that are set to gain from the deposit reversal live out of state or have several properties that really undercut competition and choice. The squeeze by these entities is quite painful and at times leads to food insecurity or no medical attention. Please do not roll back the security deposit protection measures. We need your help to change the unfair advantage that these landlords possess in taking a large chunk of our earnings. If they raise the rent and then can take a large deposit after a decision to move, then it's the tenant who loses. Additionally, saying there's a housing crisis and then not having stabilizing mechanisms for tenants would signal your disinterest in doing anything about it. There's much more to be done for the rights of renters and rolling back any measures undoes any hope of getting the comprehensive change that we are desperately hoping for. Portland remains a place where inequality widens and landlords are the biggest cause of never closing the gap. Thank you for your time on this very important matter.

Best,
Mel Scott

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*"People pay for what they do, and still more for what they have allowed themselves to become. And they pay for it very simply; by the lives they lead."
- James Baldwin*

From: [Mitzy King](#)
To: [Council Clerk – Testimony](#)
Subject: Agenda item 594 6/29/23
Date: Sunday, June 26, 2022 10:25:22 PM

Hello,

I'm writing as a landlord who lives in the city of Portland with 16 rentals throughout the metro area.

I implore the city to not do this deal to allow unethical landlords to charge their tenants without considering the depreciation of their appliances.

This allows landlords to charge their tenants to replace appliances, fixtures and other items without providing proof that the tenant was responsible and not taking into account how old the items were.

The city of Portland is allowing the threat of these landlords of selling their properties as a reason to curtail to their demands and remove protections for tenants. This is appalling. Let them sell their properties!

We don't want landlords in our lovely city who take advantage of the tenants who provide them with income, security, investment and the ability to profit off them.

Dan Ryan, I voted for you and you are disappointing me with your bending to the demands of those with power. This removes protections for tenants! Tenants don't have the money to sue landlords! They can't fight back when they are taken advantage of.

Before buying my first home in 2011, I rented in Portland from 1995-2011. I had numerous landlords take entire security deposits and demand more money for normal wear and tear. Do you actually think those renting have the ability to hold landlords accountable? They don't!

Now that my partner and I own a 4 duplexes, a tri-plex, a quad plex and a house that we rent, we've fixed and replaced numerous appliances. Things break all of the time. We've never once felt the need to charge a tenant for the dishwashers, dryers, stoves or washing machines that broke. And if we did, I would be fine with explaining the condition it was in previously and only charging for the depreciation, and not charging them to buy me a new appliance when a used one broke.

We are in a housing crisis! These Landlords are profiting with their rentals and the fact that they want the ability to take even more money from their tenants security deposits without having to be accountable to explaining simple depreciation proof.

Please, listen to the ethical landlords AND the tenants of your city.

I implore you to work for the interests of all of Portlanders, not the rich few who threaten to sue you.

Protect tenants!

Mitzy King
971-533-2657

From: [Laura Golino de Lovato](#)
To: [Council Clerk – Testimony](#)
Subject: Written Testimony for item #594 6/29/22 City Council Meeting
Date: Tuesday, June 28, 2022 4:53:55 PM
Attachments: [Public Testimony item #594 6-29-22 Portland City Council.pdf](#)

Hello -

Please accept the attached testimony for item # 594 - Amendments to FAIR ordinance, second reading on item #549 from 6/22/29 - on the consent agenda for the City Council meeting of Wednesday, June 29, 2022.

Thank you.

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[Laura Golino de Lovato](#) | she/her | Executive Director | Northwest Pilot Project
1430 SW Broadway, Suite 200 | Portland, OR 97201 | direct 503.478.6868 | fax 503.274.8559 |
nwpilotproject.org
HOUSING SENIORS | CREATING HOPE | PILOTING CHANGE

Due to COVID-19, NWPP has limited office hours - Tuesday, Wednesday and Thursday 1-4pm. Masks are required. If you need assistance, please call us at 503-227-5605.

June 28, 2022

Mayor Ted Wheeler
Commissioner JoAnn Hardesty
Commissioner Mingus Mapps
Commissioner Dan Ryan
Commissioner Carmen Rubio

RE: Testimony in response to proposed amendments to the Fair Access In Renting (FAIR) ordinance

Dear Mayor Wheeler and Commissioners Hardesty, Mapps, Ryan and Rubio -

The last-minute release of proposed significant changes to the FAIR ordinance prior to the presentation at City Council on June 22 took the Portland community of tenants and tenant advocates by surprise. The scope of changes to the ordinance and the poor communication have created confusion, stress, and a weakening of a milestone law.

We understand – from the little that’s been shared – that these changes come as part of a “non-monetary settlement agreement” in the lawsuit *Newcomb vs. City of Portland*. However, the proposed changes themselves and the process – or lack thereof – used by the City resulted in the undermining of hard-fought tenant rights.

It is disappointing that the City chose not to follow its own process of seeking stakeholder feedback prior to presenting a decision to City Council, especially in a case of this import. While the City should have made much stronger efforts to engage and involve tenants, tenant advocates, and housing providers, when seeking to change the law, it is the changes themselves and the detrimental effect these changes will have on tenants - especially those who are Black, brown, and low-income – that is particularly concerning.

The most negative change is the gutting of the damages that must be paid by landlords who have violated tenants’ rights. Decreasing the amount a landlord must pay in the event of damages from two times the amount of the security deposit to a mere \$250.00 guts the deterrent effect of the existing ordinance and, in fact, is no deterrent at all. And while the depreciation schedule isn’t perfect, it protects tenants from unreasonable expenses by eliminating arbitrary “claims” of unreasonable wear and tear and, in some cases, creates barriers to housing access for new apartments as a result. As we seek to end homelessness in our community, it is baffling that the City of Portland would make policy changes like these that easily cause or extend the plight of homelessness for many of our community members.

Additionally, allowing unspecific language – i.e. “the landlord may” - about applying a tenant’s security deposit to address the cost of replacing flooring to “discrete areas” weakens FAIR and diminishes it as a strong tenant protection. And not all housing providers agree with these changes, either. Many share concerns about the challenge in understanding rapidly changing regulations; changing them again in this

case exacerbates that. While the depreciation piece is hard to figure out, some housing providers learned that it can work and have incorporated it into their practices.

We believe City Council should pause the process and not vote on this item at this time. Instead, call together tenants, tenant advocates, the Rental Services Commission, and landlords to further discuss this matter in an open and transparent way. The city should have sought some alternatives to present in an anonymous way, seeking guidance on possible solutions without giving details. A settlement can reflect what both parties agree to without necessarily admitting fault.

We urge the City to keep open the opportunity to consider a different settlement or not settle at all. Without strong parameters on replacement costs, these debts can quickly rise above \$1-2K, impossible for the average person to pay off in time to stave off homelessness. Additionally, debt on a rental application automatically disqualifies that application without regard to the person who submitted it. In order to support tenants in not accumulating these debts and other housing barriers so that we can prevent homelessness, we cannot do away with essential elements of FAIR without something else in place to accomplish the same goal. The FAIR ordinance as policy should be working to break down housing barriers, not building them up.

Edith Casterline

Founder/Project Co-Leader
Rental Providers for Positive Change

Mercedes Elizalde

Public Policy Director
Central City Concern

Laura Golino de Lovato

Executive Director
Northwest Pilot Project
and
Commissioner
Rental Services Commissioner

Katrina Holland

Executive Director
JOIN

Kim McCarty

Executive Director
Community Alliance of Tenants

Jennifer Parrish Taylor

Director of Advocacy and Public Policy
Urban League Portland

City Council Meeting - Wednesday June 22, 2022 9:30 a.m.

Agenda No.	First Name	Last Name
549-01	Laura	Golino de Lovato
549-02	Lauren	Everett
549-03	Margot	Black