



# Portland Housing Bureau

# FAIR 2022 Amendments

Overview of amendments  
to PCC 30.01.086 & .087

Christina Dirks  
Rental Policy and Program Coordinator  
August 16, 2022

# Overview of Amendments

- **Ordinance 190905** was presented directly to City Council and included amendments to both PCC 30.01.086 Evaluation of Applicants for Dwelling Units and PCC 30.01.087 Security Deposits, known together as the FAIR Ordinances.
- The ordinance was passed on June 29, 2022 with an **effective date of July 29, 2022**.
- This presentation will give a brief overview of the changes made to City Code. **Please note that information presented here is technical and educational in nature.** RSO staff cannot provide legal interpretation or application of the law to a specific situation.

# Application & Screening

## PCC 30.01.086

| Subject or Issue Area   | Prior to Amendment  | Amended Version  |
|---|---|--|
| Prequalification after successful appeal by an Applicant<br><i>Subsection D(8)b</i> | “The landlord appeal must...<br>Prequalify the Tenant for rental opportunities at the Landlords properties for the three months following...” | “The landlord appeal must...<br>Prequalify the Tenant for rental opportunities at the Landlords properties <u>in the City of Portland</u> for the three months following...” |

# Security Deposits

## PCC 30.01.087

| Subject or Issue Area                                 | Prior to Amendment  | Amended Version   |
|---|---|---|
| Amounts Withheld for Repair<br><i>Subsection C(3)</i> | A landlord was required to itemize all fixtures, appliances, equipment or personal property in the Rental Agreement and provide a depreciated value in accordance with the PHB provided depreciation schedule. Landlord was limited to charging no more than the stated depreciated value for repair or replacement of said item. | A landlord is now only required to itemize all fixtures, appliances, equipment or personal property in the Rental Agreement. No listed depreciated value is required. |

# Security Deposits

## PCC 30.01.087

| Subject or Issue Area   | Prior to Amendment  | Amended Version   |
|---|---|---|
| <p>Amounts Withheld for Repair<br/><i>Subsection C(4)</i></p> | <p>A landlord was prohibited from applying a security deposit to the costs of cleaning or repair of flooring material except:</p> <ul style="list-style-type: none"><li>• As expressly provided in ORS 90.300(7)(c); AND</li><li>• If the cleaning or repair was caused by damage in excess of ordinary wear and tear.</li></ul> <p>The costs of cleaning or replacement was limited to the discrete impacted area (undefined).</p> | <p>Rephrased from a prohibition to a permissible use of security deposit.</p> <p>Replaced word "cleaning" with "replacement."</p> <p>Removed reference to ORS 90.300.</p> <p>Added definition of "discrete impacted area." Now defined as "the general area of the dwelling unit where the repair or replacement is needed, which may include an entire room, closet, hallway, stairway, or other defined space, but not beyond."</p> |

# Security Deposits

## PCC 30.01.087

| Subject or Issue Area                                    | Prior to Amendment  | Amended Version   |
|--|---|---|
| Condition Reports - Initial<br><i>Subsection D(1)(a)</i> | Within the first 7 days following the start of the Rental Agreement, the Tenant would complete the initial Condition Report on a form provided by the Landlord. | Prior to the start of the rental agreement, Landlord will attempt to schedule a walk-through of the unit with both parties present to complete the initial Condition Report together. The Landlord takes photos of items noted and provides photos to tenant. |
| Condition Reports - Initial<br><i>Subsection D(1)(b)</i> | If the Tenant failed to complete a Condition Report, the Landlord completes the initial Condition Report and provides to Tenant with photos.                    | If Tenant is not present for walk-through, Landlord will complete the form and Tenant has opportunity to complete an addendum.  |

# Security Deposits

## PCC 30.01.087

| Subject or Issue Area                                    | Prior to Amendment  | Amended Version   |
|--|---|---|
| Condition Reports - Dispute<br><i>Subsection D(1)(e)</i> | If the Landlord disputes a Condition Report completed by the Tenant, parties must find third-party validation of the condition of the unit. | If the Landlord disputes the Tenant addendum, they must respond in writing within 7 days to the Tenant. Failure to object in writing by the timeline will result in the original report <i>and</i> addendum as establishing the starting condition of the unit. |
| Condition Reports - Dispute<br><i>Subsection D(1)(e)</i> | An unresolved dispute about the starting condition of the unit will be resolved in favor of the Tenant.                                     | An unresolved dispute about the starting condition will require the original report and addendum to be kept on file. If necessary, issues will be resolved by any competent court.  |

# Security Deposits

## PCC 30.01.087

| Subject or Issue Area          | Prior to Amendment   | Amended Version  |
|--------------------------------|--|--|
| Damages<br><i>Subsection G</i> | If found in noncompliance, Landlord could be liable to the Tenant for up to double the amount of the security deposit, attorney fees, and costs. | If found in noncompliance, Landlord could be liable for an amount up to \$250 per violation plus actual damages, attorney fees, and costs. |



# Rental Services Office Action Items



## Updating Documents

In response to these changes, RSO staff have been updating administrative documents associated with these policies and posting information about the amendments on our website.



## Informing Partners

RSO has informed our partners that work with the community in both household support services and general landlord-tenant education about these changes. The Rental Services Commission (RSC) and the Fair Housing Advocacy Committee (FHAC) will both receive overview presentations.



## Educational Materials

Updating our educational materials is a top priority to ensure that our partners and the community at large have current materials to reference. RSO has been updating our educational brochures and will translate the new version into multiple languages.

# Questions?

HelpDesk

**503-823-1303**

[Rentalservices@portlandoregon.gov](mailto:Rentalservices@portlandoregon.gov)

Website

**Portland.gov/RSO**