

PRESIDENT'S MESSAGE

By Mark Passannante

RHAGP President, Broer & Passannante P.S.



Mark Passannante
RHAGP President

During the board's last meeting on legislative matters the topic of disclosures came up in relation to accepting applications and payment of application fees. As I am sure everyone who has attended one of the many classes put on by the RHA in the last few months regarding the legislative changes is aware, one of the more significant changes are the specific disclosures a landlord must give to an applicant and the timing of the disclosures. Here are your new rules:

A landlord must disclose to an applicant all deposits, fees, and rent that are charged by the landlord. This disclosure must be done in writing. In making the disclosure, please keep in mind that you are no longer permitted to charge an up-front fee such as a "move-in fee," "administrative fee" or any other fee charged at the beginning of the tenancy no matter what it is called (excluding the application screening "fee" which for clarity we should probably begin to call an "applicant screening charge"). Any other fee that is in the rental agreement and permitted by ORS 90.302 must be

included in the written disclosure. The fees that a landlord may charge must be in the rental agreement and are limited to late fees, any smoke detector tampering fees, NSF check fees, lease break fees, and some non-compliance fees. Non-compliance fees are limited to \$50.00 per non-compliance and may only be charged for the following:

- i. Late payment of utility or service charge;
- ii. Failure to clean up pet waste from a part of the premises other than the dwelling unit;
- iii. Failure to clean up garbage, rubbish and other waste from a part of the premises other than the dwelling unit;
- iv. Parking violations;
- v. Improper use of vehicles within the premises

The timing of the written disclosure is also important. The above-written disclosures must be made prior to accepting any money from the applicant or tenant. Because the disclosure must be in writing, landlords should make sure

they get a signed acknowledgment of the receipt of the list. One way to do this is to include the written list as an attachment or a part of the application that the tenant fills out prior to paying the application fee.

Lastly, while the landlord is required to provide the written list as described above, the law also permits the landlord and tenant to agree in writing to amend the list prior to entering into a rental agreement. As such, when entering into a rental agreement with the tenant, always make sure that the fees, deposits and rents in the rental agreement match the list that has been provided to the tenant. If they do not match, then either the rental agreement should be changed so that the disclosures and rental agreement are consistent or discuss the changes with the tenant and, if possible, execute an amendment to the written list making the list consistent with the charges listed in the rental agreement prior to signing the rental agreement.



Shhh!

Silent Auction

We are doing Fund-raising for new office furniture. We would like to involve the membership by way of donations to a Silent Auction at the dinner meetings.

It is fun to bid and to contribute. A money donation is always appreciated! We are a non-profit organization so check with your accountant for deductions.

P.S. We are going to stop short of bake sales and car washes!

-Mary McGinnis, RHAGP Vice President