

# OREGON LAW CENTER

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921 SW Washington, Suite 516  
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March 13, 2014

The Honorable Joan Zeldon, Chair  
Drafting Committee to Revise the Uniform Residential Landlord and Tenant Act  
c/o Uniform Law Commission  
111 N. Wabash Avenue, Ste. 1010  
Chicago, IL 60602

*Re: Comments Regarding the Domestic Violence, Sexual Assault, and Stalking Provisions of the March 2014 Draft Revised Uniform Residential Landlord and Tenant Act*

Dear Chair Zeldon, and members of the drafting committee:

Thank you for your work and leadership in revising the draft of the Revised Uniform Residential Landlord and Tenant Act (URLTA), and for welcoming the participation of observers in the process.

My comments are confined to the domestic and sexual violence provisions of the draft. As you know, victims of domestic and sexual violence often face great barriers in finding and maintaining safe shelter and housing for themselves and their children. The drafting of a revised URLTA provides an opportunity to offer states across the nation solutions that provide safety for victims and balance the needs of both landlords and tenants. I thank the Uniform Law Commission and the drafting committee for their work in ensuring that the revised URLTA will address these issues, and for the many positive edits to the new draft since the last committee meeting.

My specific priority comments on the revised draft are as follows:

## **SECTION 509. Landlord's Obligations in Event of Early Release or Termination**

**Concern:** The deletion of the remedy for a landlord's willful failure to comply with the early lease termination provisions of Section 508.

The early lease termination provisions provided in Section 508 are an important safety measure for victims who need to leave a home in order to establish safety from a perpetrator. Without these protections, tenants and their children may be trapped, and perpetrators pose a danger to victims as well as neighbors. If a landlord refuses to release a qualifying victim tenant from a lease, that tenant may be unable to move to safety. If there is no sanction for a landlord who fails to comply, a tenant whose safety is at risk has no recourse, and a non-compliant landlord has no incentive to comply.

**Suggested solution:** Restore the deleted language in Section 509 (old b) providing a remedy for a landlord's failure to comply with Section 508.

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## SECTION 510. Verification

**Concern:** Subsection (b) creates overly punitive sanctions for tenants.

The treble damages sanctions as currently drafted provide a disincentive to tenants seeking the protection of the law. Other provisions of the draft already provide significant sidebars to ensure that the law is not mis-used:

- 1) A verification statement is already made under penalty of perjury, which may be prosecuted.
- 2) A statement must be accompanied by a third party attestation made by a specified professional with expertise in domestic/sexual violence, who is also subject to the penalty for perjury.

We agree it is appropriate to provide sanctions for purposeful mis-use of the law. However, we should keep in mind that verifications are submitted at a time of crisis. A victim who is operating in good faith might be mistaken about a detail or definition and get tripped up in the process, and subject to fairly punitive sanctions. In addition, such significant sanctions could have a chilling effect on qualifying tenants seeking the relief they need. These concerns are heightened when considered against a backdrop of the landlord not having any sanctions for violation of Section 508.

**Suggested solution:** Limit sanctions to reasonably target false statements of material fact made in bad faith.

## SECTION 515. Limitations on Landlord Conduct

**Concern:** Subsection (b)(1) prohibits discrimination only if it is **primarily** because a tenant has been a victim.

This implies that a landlord may consider the fact that a tenant has been a victim in making adverse decisions about the tenancy, so long as that fact is not the primary driver. This seems contrary to the purpose of the act, and would undermine the protections provided elsewhere in the act.

**Suggested solution:** Delete the word "primarily" from subsection (b)(1).

**ADDITIONAL ITEMS:** I chose to describe above the priority policy issues I hope we may discuss at the meeting. There are some other smaller issues that may not warrant the time for a large group discussion, but which I will provide to the committee in case they are useful to the drafters prior to the next meeting.

In closing, it is evident that much study, care and thought has gone into the current revision. I deeply appreciate the commitment and attention of the committee and the drafters towards the goals of protecting survivors, respecting the reasonable needs of landlords, and ensuring safety for all. I very much appreciate the opportunity to comment.

Sincerely,

Sybil Hebb  
Director of Policy Advocacy  
Oregon Law Center

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