



To: Shannon Callahan, *Director*
From: Matthew Tschabold, *Policy and Planning Manager*
Date: August 15, 2019
Re: FAIR Technical Code Changes Overview

Outlined below is an overview of major technical code changes to the FAIR ordinances for consideration. The changes (1) address critical technical clarifications in line with the legislative intent of the policies; (2) decouple the effective date of the bureau's rule making authority from the effective date of the ordinances to allow rule making to occur in advance of the code going into effect; and (3) modify the ADU exemption to allow for the landlord to live in the ADU or main structure on site.

Title 30.01.086 Changes

1. *Subsection B.8.* Coordinated access referral rental units are exempt from several subsections of code, a definition is needed.
2. *Subsection C.2.d.* An exemption for affordable housing needs to be defined as regulated affordable housing – **potential loophole.**
3. *Subsections D.2.a and D.2.b* The code incorrectly references regulated incomes instead of regulated rents.
4. *Subsection F.1.* The code implies aspects of an individual assessment are only required with supplemental evidence rather than any denial.
5. *Subsection G.1.a.* An exemption for affordable housing needs to be defined as regulated affordable housing – **potential loophole.**
6. *Subsection G.1.c.* An exemption for a landlord living with a renter uses the term roommate, potentially exempting all rental units with roommates – **potential loophole.**
7. *Subsection G.1.e.* Modifying the ADU exemption to allow the landlord to live in the ADU or the main structure on the site.

Title 30.01.087 Changes

1. *Subsection A.1.* Pre-payment of rent as a term does not align with ORS 90.
2. *Subsection C.2.* The phrase *fixtures, appliances, equipment, or personal property* is inconsistently written throughout the code.
3. *Subsection D.1.* The terms used do not align with ORS 90 or other sections of Title 30, this subsection needs edits to align terms.
4. *Subsection H.* The bureau was not given rule making authority in code.

Ordinance Changes

1. Ordinance effective dates are March 1, the bureau needs rulemaking authority provisions of the ordinances to go into effect immediately.