

## OREGON PARK AND MARINA TENANTS

### Letter to Assert Tenant’s Right to Have a 90-Day Notice of Rent Increase

#### THE LAW AND YOUR RIGHTS:

With the passing of Senate Bill 608, beginning in 2019, park and marina month-to-month tenants have the following rights (ORS 90.600):

1. Park and marina landlords may not increase the rent during the first year after the tenancy begins.
2. Park and marina landlords must give their tenants 90 days notice prior to the rent increase taking effect.
3. Park and marina landlords cannot raise the rent during a 12-month period to an amount greater than 7% plus the consumer price index above the existing rent.
  - A. However, 2 exemptions apply, if:
    - i. The first certificate of occupancy for the **home** was issued less than 15 years from the date of the notice of the rent increase; or
    - ii. The landlord is providing reduced rent to the tenant as part of a federal, state or local program or subsidy.
  - B. The Oregon Department of Administrative Services announced a [maximum rental increase of 9.9% for the 2020 calendar year](#) (which is based on 7% + the September annual 12-month average change in the Consumer Price Index for All Urban Consumers, West Region (All Items), as most recently published by the Bureau of Labor Statistics of the United States Department of Labor). This amount is updated and announced by September 30<sup>th</sup> of each year for the following calendar year.
4. Park and Marina landlord must provide a notice which contains the following:
  - A. The amount of the rent increase;



INVALID NOTICE OF RENT INCREASE – 90 DAY NOTICE

- B. The amount of the new rent;
  - C. Facts supporting the exemption authorized by subsection (3)(A) of this section, if the increase is above the amount allowed in subsection (3) of this section; and
  - D. The date on which the increase becomes effective.
5. A landlord that increases rent in violation of #3 above shall be liable to the tenant in an amount equal to three months' rent plus actual damages suffered by the tenant.

If the tenant is entitled to 3 months rent if this happens – how do we direct tenants to follow through with this?

INSTRUCTIONS:

1. [Click here to download a Microsoft Word version of this Landlord Letter template](#)
2. The Microsoft Word-version will have the same blank spaces as this version, but will not have the comments in the margin. Fill out the blanks in the Microsoft Word-version using the comments on the margins of this version as a guide.
3. This sample letter is intended to be used if you are a tenant experiencing landlord interference with your use of your home.
4. Please note that you should tailor this letter to the facts in your case. This template is not a substitute for legal advice. If you need help finding a tenant attorney, [please see our OSTA Legal Resources page](#).
5. Once filled out with your information, keep a copy for your records.

(see Sample Letter on Next Page)

SAMPLE LETTER

SENT VIA - (mail, email, certified mail – [return receipt requested](#), etc.)

(Date)

**Commented [OSTA1]:** Date you intend to sign and send

(Addressee)

**Commented [OSTA2]:** Full name of your landlord or property manager

(Street Address 1)

(City, State, Zipcode)

**Commented [OSTA3]:** Address of landlord or property manager

**RE: Invalid notice of rent increase – Less than 90 days notice**

Dear (Addressee):

**Commented [OSTA4]:** Full name of landlord or property manager

On ( ), I received a written ( ) notice from you of a rent increase at ( ). I am writing to inform you that I did not receive proper notice of this change. Pursuant to Oregon Revised Statute 90.600, any rent increase must be provided to the tenant by the landlord or appropriate property manager through a proper notice.

**Commented [OSTA5]:** Date the notice was received

**Commented [OSTA6]:** Name of the notice you were given, likely a "Notice of Rent Increase"

**Commented [OSTA7]:** Address of where the rent increase is to be made

The law states that park and marina landlords must give their tenants a minimum of 90 days' notice prior to the rent increase taking effect.

Further, notification of a rental increase must be given to the tenant through written documentation which may be served to the tenant by either personal service or through first class mail. If the landlord chooses to mail the notice, an additional 3 days' notice is required, which means 93 days' notice from the date of mailing.

The notice you provided me on ( ) states that the rent increase takes effect on ( ) which is only ( ) days. The notice does not comply with the above Oregon statute, and therefore it is not valid. Please comply with the above statute if you wish to pursue a rent increase.

**Commented [OSTA8]:** Date notice was received

**Commented [OSTA9]:** Date rent increase will take effect as indicated in the notice

**Commented [OSTA10]:** Number of days between the date you received the notice and the date the notice will take effect. NOTE: This number must be less than 90 days or less than 93 days, only if the notice was mailed.

Sincerely,

( )

**Commented [OSTA11]:** Your signature

(Name)

**Commented [OSTA12]:** Your printed name

(Park or marina name)

**Commented [OSTA13]:** Your park or marina name

(Space# or slip#)

**Commented [OSTA14]:** Your space or slip number