

COUNCIL ORDINANCE No. 2202

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, RELATING TO RENTER PROTECTIONS, PERMANENTLY ESTABLISHING MILWAUKIE MUNICIPAL CODE CHAPTER 5.60.

WHEREAS, the Portland metropolitan region has had an annual vacancy rate of less than less than 5 percent since 2017; and

WHEREAS, the region's low vacancy rate has resulted in significant rent increases over the last several years, including a 31.1 percent total increase since 2016 for the cost of rent per square foot; and

WHEREAS, Milwaukie's proximity to Portland has resulted in increased gentrification and displacement of residents in recent years; and

WHEREAS, the combination of high rents and low vacancy rates has resulted in heightened housing uncertainty and instability for many Milwaukie residents; and

WHEREAS, the City Council recognizes the impact of consistently low residential vacancy rates and increasing rents and home values; and

WHEREAS, the Residential Landlord and Tenant Act, Oregon Revised Statute Chapter 90, allows for no-cause terminations of month-to-month rental agreements with 30 days' notice during the first year of a tenant's occupancy; and

WHEREAS, the City Council has determined that 30 days is not adequate time for displaced tenants to find and secure new rental housing; and

WHEREAS, to provide tenants additional time to find and secure new rental housing, the minimum written notice for a no cause termination in Milwaukie is increased to 90 days.

Now, Therefore, the City of Milwaukie does ordain as follows:

Section 1. Municipal Code Chapter 5.60 is adopted permanently and will read as follows:

5.60 Milwaukie Renter Additional Protections

5.60.010 Purpose and Intent. The purpose of this Section is to provide residential renters in the City of Milwaukie with adequate protections in the event that they are served with a no cause eviction.

5.60.020 Definitions.

Act – the Residential Landlord and Tenant Act, codified in Chapter 90 of the Oregon Revised Statutes. For the purposes of Chapter 5.60, capitalized terms have the meaning set forth in the Act.

5.60.030 Applicability. The following apply to Tenants of Dwelling Units within the boundaries of the City of Milwaukie, which are in addition to the requirements and protections set forth in the Act:

- A. A Landlord may terminate a Rental Agreement without a cause specified in the Act (“no cause eviction”) only by delivering a written notice of termination to the Tenant of (a) not less than 90 days before the termination designated in that notice as calculated under the Act; or (b) the time period designated in the Rental Agreement, whichever is longer. This requirement does not apply to Rental Agreements for week-to-week tenancies or to Tenants that occupy a Dwelling Unit that is located in the same building or on the same property as the Landlord’s primary residence and the building or the property contains not more than two Dwelling Units.
- B. A Landlord that fails to comply with any of the requirements set forth in this Section 5.60.030 shall be liable to the Tenant for an amount up to three months’ Rent as well as actual damages, reasonable attorney fees and costs (collectively, “Damages”). Any Tenant claiming to be aggrieved by a Landlord’s noncompliance with the foregoing has a cause of action in any court of competent jurisdiction for Damages and such other remedies as may be appropriate.

Section 2. The City Council acknowledges these permanent protections to address the shortage of affordable, and available housing based on ongoing trends shown with U.S. Census data and the Portland Metropolitan region’s residential vacancy rate.

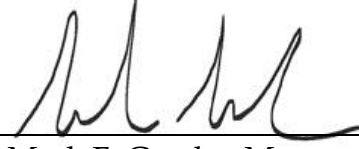
Section 3. Emergency. With increasing housing uncertainty and fear of homelessness for city residents, this Ordinance is necessary for the immediate protection of public health , safety and general welfare; therefore an emergency is declared to exist and this Ordinance shall become effective upon the date of its adoption.”

Read the first time on **June 1, 2021** and moved to second reading by 5:0 vote of the City Council.

Read the second time and adopted by the City Council on **June 1, 2021**.

Signed by the Mayor on **June 1, 2021**.

This resolution is effective immediately.



Mark F. Gamba, Mayor

ATTEST:



Scott S. Stauffer, City Recorder

APPROVED AS TO FORM:



Justin D. Gericke, City Attorney