

REVENUE: No revenue impact

FISCAL: No fiscal impact

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<b>Action:</b>	Do Pass as Amended and Be Printed Engrossed
<b>Vote:</b>	7 - 0 - 0
<b>Yeas:</b>	Cowan, Gelser, Gilliam, Kotek, Maurer, Olson, Tomei
<b>Nays:</b>	0
<b>Exc.:</b>	0
<b>Prepared By:</b>	Andy Smith, Administrator
<b>Meeting Dates:</b>	5/23, 5/25

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**WHAT THE MEASURE DOES:** Allows group recovery homes to terminate tenancy of individuals who have used or possessed alcohol or drugs within the preceding seven days.

**ISSUES DISCUSSED:**

- Oxford House's need to move out residents who relapse quickly
- Discrimination in evictions
- Balancing landlord tenant rights and with need to support effective recovery environments
- Procedural due process protections

**EFFECT OF COMMITTEE AMENDMENT:** Replaces current bill.

**BACKGROUND:** Under ORS 90.398, a landlord may give a person living in drug and alcohol free housing a 48-hour eviction notice for consuming, possessing or sharing drugs or alcohol on or off the premises. The notice must state the violation and give the tenant 24 hours to fix the problem. If the action is corrected within 24 hours, the tenant may stay (ORS 90.400(7)). A tenant who possesses or uses drugs or alcohol again within six months after receiving a 48-hour notice with a 24-hour opportunity to fix the problem, is subject to a 24-hour notice to move without any chance to fix the problem (ORS 90.400(7)).

Drug and alcohol group homes are peer-based recovery residential facilities where tenants commit to be free of drug and alcohol use. Oregon's Residential Landlord and Tenant Act details the procedural and substantive protections available to landlords and tenants in Oregon.

Under SB 154 B, group homes (landlords) are granted the right, without first going to court, to facilitate expedited eviction of tenants who have relapsed. If a tenant has used or possessed alcohol or drugs within the past week, the group home can seek assistance from law enforcement (Sheriff) to expel the tenant with 24-hours notice. Proof of relapse can consist of observation of drug or alcohol use or possession; a failed drug or alcohol test; or a refusal to take a drug test requested by the group home in good faith. The group home must give the tenant written notice explaining the reasons for expulsion and the deadline for move-out. Tenants can request an expedited court hearing if the tenant feels that the removal was wrongful. If a court finds that a group home misused the expulsion process, the tenant is entitled to at least three months rent as damages and injunctive relief to regain possession.