

Senate Bill 154

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SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Provides that residence in residential program for primary purpose of receiving care, treatment, training or support due to disability or dependency is not subject to landlord-tenant laws.

Changes standard for disqualifying certain residence and occupancy arrangements from landlord-tenant law exemption.

A BILL FOR AN ACT

Relating to landlord-tenant law; amending ORS 90.110, 91.120 and 91.130.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 90.110 is amended to read:

90.110. Unless [*created to avoid*] **an arrangement is formed primarily for the purpose of evading** the application of this chapter, the following arrangements are not governed by this chapter:

(1) Residence at an institution, public or private, if incidental to detention or the provision of medical, geriatric, educational, counseling, religious or similar service, but not including residence in off-campus nondormitory housing.

(2) Residence in a public or private residential program where residence is for the primary purpose of receiving care, treatment, training or support due to disability or dependency, including residential programs of facilities and homes licensed under ORS 443.400 to 443.455 or 443.705 to 443.825 and group homes described in 42 U.S.C. 300x-25.

[(2)] (3) Occupancy of a dwelling unit for no more than 90 days by a purchaser prior to the scheduled closing of a real estate sale or by a seller following the closing of a sale, in either case as permitted under the terms of an agreement for sale of a dwelling unit or the property of which it is a part. The occupancy by a purchaser or seller described in this subsection may be terminated only pursuant to ORS 91.130. A tenant who holds but has not exercised an option to purchase the dwelling unit is not a purchaser for purposes of this subsection.

[(3)] (4) Occupancy by a member of a fraternal or social organization in the portion of a structure operated for the benefit of the organization.

[(4)] (5) Transient occupancy in a hotel or motel.

[(5)] (6) Occupancy by a squatter.

[(6)] (7) Vacation occupancy.

[(7)] (8) Occupancy by an employee of a landlord whose right to occupancy is conditional upon employment in and about the premises. However, the occupancy by an employee as described in this subsection may be terminated only pursuant to ORS 91.120.

[(8)] (9) Occupancy by an owner of a condominium unit or a holder of a proprietary lease in a

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 cooperative.

2 [(9)] (10) Occupancy under a rental agreement covering premises used by the occupant primarily
3 for agricultural purposes.

4 **SECTION 2.** ORS 91.120 is amended to read:

5 91.120. An employee described in ORS 90.110 [(7)] (8) may only be evicted pursuant to ORS
6 105.105 to 105.168 after at least 24 hours' written notice of the termination of employment or a no-
7 tice period set forth in a written employment contract, whichever is longer. This section does not
8 create the relationship of landlord and tenant between a landlord and such employee.

9 **SECTION 3.** ORS 91.130 is amended to read:

10 91.130. A dwelling unit purchaser or seller described in ORS 90.110 [(2)] (3) may only be evicted
11 pursuant to ORS 105.105 to 105.168 after at least 24 hours' written notice of the termination of the
12 occupancy or a notice period set forth in a written agreement of sale, whichever is longer. This
13 section does not create the relationship of landlord and tenant between the seller and purchaser.

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