

**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>	5 - 0 - 0
<b>Yeas:</b>	Bonamici, Boquist, Dingfelder, Whitsett, Prozanski
<b>Nays:</b>	0
<b>Exc.:</b>	0
<b>Prepared By:</b>	Lisa Nuss, Counsel
<b>Meeting Dates:</b>	1/20, 4/27

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**WHAT THE MEASURE DOES:** Clarifies the process by which purchasers may take possession of property after foreclosure sales and similar events. Clarifies existing law for non-judicial residential foreclosures. Establishes that once the purchaser receives the deed 10 days after the sale, the purchaser may proceed immediately with a forcible entry and detainer action (FED) if the current occupant is the borrower (the borrowers already having been given a 120-day notice of sale). Establishes that if the occupants are tenants, purchaser may also proceed with an FED action 10 days after the sale (as long as the tenant has been given 30 days' notice of the intention to evict). Makes the residential FED process available for purchasers to resolve possession disputes in situations similar to foreclosures, including certain judicial foreclosures and sales, among others. Clarifies that an FED proceeding brought under one of the circumstances addressed in Sections 1 and 2, will be subject to the same fees and process as are FED proceedings brought under the Oregon Residential Landlord and Tenant Act. Declares an emergency. Effective on passage.

**ISSUES DISCUSSED:**

- Need for emergency clause
- Notice to tenant before eviction

**EFFECT OF COMMITTEE AMENDMENT:** Clarifies Section 1 to read that if the occupants are tenants, purchaser may proceed with an FED action 10 days after the sale as long as the tenant has been given 30 days' notice of the intention to evict.

**BACKGROUND:** This bill is brought by the Debtor-Creditor Section of the Oregon State Bar. The changes to Section 1 clarify and re-organize current statute, and are not intended to alter any protections available to purchasers or tenants. For the circumstances similar to foreclosure in Section 2, the current law is unclear whether Oregon's FED statutes apply. A common law remedy (writ of assistance) is available in those situations, but there is currently little consistency in how that's carried out in each county.