

**Enrolled**  
**House Bill 2962**

Sponsored by COMMITTEE ON CONSUMER PROTECTION

CHAPTER .....

AN ACT

Relating to residential housing; creating new provisions; and amending ORS 105.115.

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

**SECTION 1.** (1) As used in this section, “dwelling unit” has the meaning given that term in ORS 90.100.

(2) An employee of a resident of a dwelling unit whose occupancy is conditional upon employment in and about the premises, and members of the employee’s household, may only be evicted pursuant to ORS 105.105 to 105.168 after at least 24 hours’ written notice of the termination of employment or a notice period set forth in a written employment contract, whichever is longer.

(3) This section does not create the relationship of landlord and tenant between the resident and the employee or members of the employee’s household.

**SECTION 2.** ORS 105.115 is amended to read:

105.115. (1) Except as provided by subsections (2) and (3) of this section, the following are causes of unlawful holding by force within the meaning of ORS 105.110, 105.123 and 105.126:

(a) When the tenant or person in possession of any premises fails or refuses to pay rent within 10 days after the rent is due under the lease or agreement under which the tenant or person in possession holds, or to deliver possession of the premises after being in default on payment of rent for 10 days.

(b) When the lease by its terms has expired and has not been renewed, or when the tenant or person in possession is holding from month to month, or year to year, and remains in possession after notice to quit as provided in ORS 105.120, or is holding contrary to any condition or covenant of the lease or is holding possession without any written lease or agreement.

(c) When the owner or possessor of a recreational vehicle that was placed or driven onto property without the prior consent of the property owner, operator or tenant fails to remove the recreational vehicle. The property owner or operator is not required to serve a notice to quit the property before commencing an action under ORS 105.126 against a recreational vehicle owner or possessor holding property by force as described in this paragraph.

**(d) When the person in possession of a premises remains in possession after the expiration of a valid notice terminating the person’s right to occupy the premises pursuant to ORS 91.120 or 91.130 or section 1 of this 2009 Act.**

(2) In the case of a dwelling unit to which ORS chapter 90 applies:

(a) The following are causes of unlawful holding by force within the meaning of ORS 105.110 and 105.123:

(A) When the tenant or person in possession of any premises fails or refuses to pay rent within 72 hours or 144 hours, as the case may be, of the notice required by ORS 90.394.

(B) When a rental agreement by its terms has expired and has not been renewed, or when the tenant or person in possession remains in possession after a valid notice terminating the tenancy pursuant to ORS chapter 90, or is holding contrary to any valid condition or covenant of the rental agreement or ORS chapter 90.

(b) A landlord may not file an action for the return of possession of a dwelling unit based upon a cause of unlawful holding by force as described in paragraph (a) of this subsection until after the expiration of a rental agreement for a fixed term tenancy or after the expiration of the time period provided in a notice terminating the tenancy.

(3) In an action under subsection (2) of this section, ORS chapter 90 shall be applied to determine the rights of the parties, including:

(a) Whether and in what amount rent is due;

(b) Whether a tenancy or rental agreement has been validly terminated; and

(c) Whether the tenant is entitled to remedies for retaliatory conduct by the landlord as provided by ORS 90.385 and 90.765.

**SECTION 3. Section 1 of this 2009 Act and the amendments to ORS 105.115 by section 2 of this 2009 Act apply to actions for possession of real property under ORS 105.105 to 105.168 filed on or after the effective date of this 2009 Act.**

Passed by House May 5, 2009

Received by Governor:

Repassed by House June 4, 2009

.....M.,....., 2009

Approved:

.....  
Chief Clerk of House

.....M.,....., 2009

.....  
Speaker of House

.....  
Governor

Passed by Senate June 3, 2009

Filed in Office of Secretary of State:

.....M.,....., 2009

.....  
President of Senate

.....  
Secretary of State