

A-Engrossed
House Bill 2962

Ordered by the House April 30
Including House Amendments dated April 30

Sponsored by COMMITTEE ON CONSUMER PROTECTION

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.

[Requires Director of Department of Consumer and Business Services to adopt rules requiring certificate of occupancy for new residential structure or zero-lot-line dwelling. Requires director to adopt rules requiring general contractor or owner to present list of contractors and subcontractors before issuance of certificate of occupancy for new residential structure or zero-lot-line dwelling. Makes violation of rules subject to civil penalty, not to exceed \$5,000.]

[Requires that Construction Contractors Board information notice to property owners about construction responsibilities include information about subcontractor information and certificate of occupancy requirements. Requires contractor constructing new residential structure or zero-lot-line dwelling to provide property owner with list of subcontractors for structure or dwelling. Makes failure to provide list violation subject to civil penalty, not to exceed \$5,000.]

Provides that employee who resides in dwelling unit and whose occupancy is conditional upon employment in and about dwelling's premises may be evicted only after at least 24 hours' written notice of termination of employment. Makes holding of dwelling unit after 24-hour period grounds for cause of unlawful holding by force.

A BILL FOR AN ACT

1
2 Relating to residential housing; creating new provisions; and amending ORS 105.115.

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

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

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

11 **(3) This section does not create the relationship of landlord and tenant between the res-**
12 **ident and the employee or members of the employee's household.**

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

14 105.115. (1) Except as provided by subsections (2), [and] (3) **and** (4) of this section, the following
15 are causes of unlawful holding by force within the meaning of ORS 105.110, 105.123 and 105.126:

16 (a) When the tenant or person in possession of any premises fails or refuses to pay rent within
17 10 days after the rent is due under the lease or agreement under which the tenant or person in
18 possession holds, or to deliver possession of the premises after being in default on payment of rent
19 for 10 days.

20 (b) When the lease by its terms has expired and has not been renewed, or when the tenant or
21 person in possession is holding from month to month, or year to year, and remains in possession

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 after notice to quit as provided in ORS 105.120, or is holding contrary to any condition or covenant
2 of the lease or is holding possession without any written lease or agreement.

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

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

9 (a) The following are causes of unlawful holding by force within the meaning of ORS 105.110 and
10 105.123:

11 (A) When the tenant or person in possession of any premises fails or refuses to pay rent within
12 72 hours or 144 hours, as the case may be, of the notice required by ORS 90.394.

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

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

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

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

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

25 (c) Whether the tenant is entitled to remedies for retaliatory conduct by the landlord as pro-
26 vided by ORS 90.385 and 90.765.

27 **(4) In the case of a dwelling unit to which ORS chapter 91 applies, the following are**
28 **causes of unlawful holding by force within the meaning of ORS 105.110, 105.123 and 105.126:**

29 **(a) When an employee of a resident, or a member of the employee's household, remains**
30 **in possession of the dwelling unit after at least 24 hours' written notice of the termination**
31 **of employment or a notice period set forth in a written employment contract, whichever is**
32 **longer, under section 1 of this 2009 Act.**

33 **(b) When an employee of a landlord remains in possession of the dwelling unit after at**
34 **least 24 hours' written notice of the termination of employment or a notice period set forth**
35 **in a written employment contract, whichever is longer, under ORS 91.120.**

36 **(c) When a purchaser or seller of the dwelling unit remains in possession after at least**
37 **24 hours' written notice of the termination of the occupancy or a notice period set forth in**
38 **a written agreement of sale, whichever is longer, under ORS 91.130.**

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

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