

B-Engrossed
House Bill 2962

Ordered by the Senate May 28
Including House Amendments dated April 30 and Senate Amendments
dated May 28

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.

Provides that employee [*who resides in dwelling unit*] **of resident who occupies dwelling unit along with resident** and whose occupancy is conditional upon employment in and about dwelling's premises may **only** 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 only**
8 **be evicted pursuant to ORS 105.105 to 105.168 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) of this section, the following are causes
15 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
22 after notice to quit as provided in ORS 105.120, or is holding contrary to any condition or covenant
23 of the lease or is holding possession without any written lease or agreement.

24 (c) When the owner or possessor of a recreational vehicle that was placed or driven onto prop-
25 erty without the prior consent of the property owner, operator or tenant fails to remove the recre-
26 ational vehicle. The property owner or operator is not required to serve a notice to quit the

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 property before commencing an action under ORS 105.126 against a recreational vehicle owner or
2 possessor holding property by force as described in this paragraph.

3 **(d) When the person in possession of a premises remains in possession after the expira-**
4 **tion of a valid notice terminating the person's right to occupy the premises pursuant to ORS**
5 **91.120 or 91.130 or section 1 of this 2009 Act.**

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

7 (a) The following are causes of unlawful holding by force within the meaning of ORS 105.110 and
8 105.123:

9 (A) When the tenant or person in possession of any premises fails or refuses to pay rent within
10 72 hours or 144 hours, as the case may be, of the notice required by ORS 90.394.

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

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

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

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

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

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

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

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