

HOUSE AMENDMENTS TO HOUSE BILL 2962

By COMMITTEE ON CONSUMER PROTECTION

April 30

1 On page 1 of the printed bill, line 2, after “ORS” delete the rest of the line and line 3 and insert
2 “105.115.”.

3 Delete lines 5 through 27 and delete pages 2 through 4 and insert:

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**
12 **resident 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**
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**
25 **property without the prior consent of the property owner, operator or tenant fails to remove the**
26 **recreational vehicle. The property owner or operator is not required to serve a notice to quit the**
27 **property before commencing an action under ORS 105.126 against a recreational vehicle owner or**
28 **possessor holding property by force as described in this paragraph.**

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

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

32 **“(A) When the tenant or person in possession of any premises fails or refuses to pay rent within**
33 **72 hours or 144 hours, as the case may be, of the notice required by ORS 90.394.**

34 **“(B) When a rental agreement by its terms has expired and has not been renewed, or when the**
35 **tenant or person in possession remains in possession after a valid notice terminating the tenancy**

1 pursuant to ORS chapter 90, or is holding contrary to any valid condition or covenant of the rental
2 agreement or ORS chapter 90.

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

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

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

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

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

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

15 “(a) **When an employee of a resident, or a member of the employee’s household, remains**
16 **in possession of the dwelling unit after at least 24 hours’ written notice of the termination**
17 **of employment or a notice period set forth in a written employment contract, whichever is**
18 **longer, under section 1 of this 2009 Act.**

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

22 “(c) **When a purchaser or seller of the dwelling unit remains in possession after at least**
23 **24 hours’ written notice of the termination of the occupancy or a notice period set forth in**
24 **a written agreement of sale, whichever is longer, under ORS 91.130.**

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

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