

## SENATE AMENDMENTS TO A-ENGROSSED HOUSE BILL 2962

By COMMITTEE ON CONSUMER PROTECTION AND PUBLIC AFFAIRS

May 28

- 1 On page 1 of the printed A-engrossed bill, line 7, after “may” insert “only”.  
2 In line 8, delete “only”.  
3 Delete lines 13 through 21.  
4 On page 2, delete lines 1 through 38 and insert:  
5 **“SECTION 2.** ORS 105.115 is amended to read:  
6 “105.115. (1) Except as provided by subsections (2) and (3) of this section, the following are  
7 causes of unlawful holding by force within the meaning of ORS 105.110, 105.123 and 105.126:  
8 “(a) When the tenant or person in possession of any premises fails or refuses to pay rent within  
9 10 days after the rent is due under the lease or agreement under which the tenant or person in  
10 possession holds, or to deliver possession of the premises after being in default on payment of rent  
11 for 10 days.  
12 “(b) When the lease by its terms has expired and has not been renewed, or when the tenant or  
13 person in possession is holding from month to month, or year to year, and remains in possession  
14 after notice to quit as provided in ORS 105.120, or is holding contrary to any condition or covenant  
15 of the lease or is holding possession without any written lease or agreement.  
16 “(c) When the owner or possessor of a recreational vehicle that was placed or driven onto  
17 property without the prior consent of the property owner, operator or tenant fails to remove the  
18 recreational vehicle. The property owner or operator is not required to serve a notice to quit the  
19 property before commencing an action under ORS 105.126 against a recreational vehicle owner or  
20 possessor holding property by force as described in this paragraph.  
21 **“(d) When the person in possession of a premises remains in possession after the expi-**  
22 **ration of a valid notice terminating the person’s right to occupy the premises pursuant to**  
23 **ORS 91.120 or 91.130 or section 1 of this 2009 Act.**  
24 “(2) In the case of a dwelling unit to which ORS chapter 90 applies:  
25 “(a) The following are causes of unlawful holding by force within the meaning of ORS 105.110  
26 and 105.123:  
27 “(A) When the tenant or person in possession of any premises fails or refuses to pay rent within  
28 72 hours or 144 hours, as the case may be, of the notice required by ORS 90.394.  
29 “(B) When a rental agreement by its terms has expired and has not been renewed, or when the  
30 tenant or person in possession remains in possession after a valid notice terminating the tenancy  
31 pursuant to ORS chapter 90, or is holding contrary to any valid condition or covenant of the rental  
32 agreement or ORS chapter 90.  
33 “(b) A landlord may not file an action for the return of possession of a dwelling unit based upon  
34 a cause of unlawful holding by force as described in paragraph (a) of this subsection until after the  
35 expiration of a rental agreement for a fixed term tenancy or after the expiration of the time period

1 provided in a notice terminating the tenancy.

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

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

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

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

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