

REVENUE: No revenue impact

FISCAL: No fiscal impact

Action:	Do Pass
Vote:	9 - 0 - 1
Yeas:	Garrett, Hicks, Olson, Schaufler, Tomei, Wand, Whisnant, Barker, Krieger
Nays:	0
Exc.:	Nolan
Prepared By:	Aaron Knott, Counsel
Meeting Dates:	4/7, 4/19

WHAT THE MEASURE DOES: Allows the court to extend the time permitted to execute a writ for eviction upon a showing of good cause by the sheriff. Allows sheriff to require a plaintiff requesting a warrant directing the sheriff to abate a nuisance to pay for the expenses of executing the warrant. Allows a prevailing plaintiff to recover fees and expenses associated with the service of a warrant by the sheriff without the entry of a supplemental judgment or order.

ISSUES DISCUSSED:

- Difficulty in carrying out an eviction within 30 days when the individual to be evicted is in need of social services
- Senior citizens and the need to carry out a more gradual eviction where the landlord retains the right to evict but can help the resident to secure subsequent housing
- Public versus private nuisances

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: ORS 105.161 details the process by which a sheriff may serve a writ and eviction trespass notice. Currently, any writ not enforced and served within 30 days following its issuance shall expire and become unenforceable against the person to be evicted. House Bill 2694 allows for this period to be extended by the court upon a sufficient showing of good cause by the sheriff.

ORS 105.510 pertains to the claiming of costs pertaining to the execution of orders to abate a nuisance executed by a sheriff after request by a plaintiff. Currently, a sheriff is required to abate the nuisance at the expense of the defendant and may levy those expenses on the property of the defendant in the form of an execution against the property. House Bill 2694 permits a sheriff to require that the plaintiff pay all sheriff's fees before executing the warrant, and may require that the plaintiff also pay all expenses incurred in the execution of the warrant. House Bill 2694 allows a plaintiff to recover sheriff's fees pursuant to ORS 18.999 in addition to other statutorily enumerated damages.