

# Senate Bill 91

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## 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 **as introduced**.

Allows landlord to charge fee described in rental agreement when, contrary to written rules or policies, tenant keeps on premises pet capable of causing damage to persons or property.

## A BILL FOR AN ACT

1  
2 Relating to landlord-tenant law; amending ORS 90.302.

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

4 **SECTION 1.** ORS 90.302 is amended to read:

5 90.302. (1) A landlord may not charge a fee at the beginning of the tenancy for an anticipated  
6 landlord expense and may not require the payment of any fee except as provided in this section.  
7 A fee must be described in a written rental agreement.

8 (2) A landlord may charge a tenant a fee for each occurrence of the following:

9 (a) A late rent payment, pursuant to ORS 90.260.

10 (b) A dishonored check, pursuant to ORS 30.701 (5). The amount of the fee may not exceed the  
11 amount described in ORS 30.701 (5) plus any amount that a bank has charged the landlord for pro-  
12 cessing the dishonored check.

13 (c) Removal or tampering with a properly functioning smoke alarm, smoke detector or carbon  
14 monoxide alarm, as provided in ORS 90.325 (2).

15 (d) The violation of a written pet agreement or of a rule relating to pets in a facility, pursuant  
16 to ORS 90.530.

17 (e) The abandonment or relinquishment of a dwelling unit during a fixed term tenancy without  
18 cause. The fee may not exceed one and one-half times the monthly rent. A landlord may not assess  
19 a fee under this paragraph if the abandonment or relinquishment is pursuant to ORS 90.453 (2),  
20 90.472 or 90.475. If the landlord assesses a fee under this paragraph:

21 (A) The landlord may not recover unpaid rent for any period of the fixed term tenancy beyond  
22 the date that the landlord knew or reasonably should have known of the abandonment or  
23 relinquishment;

24 (B) The landlord may not recover damages related to the cost of renting the dwelling unit to a  
25 new tenant; and

26 (C) ORS 90.410 (3) does not apply to the abandonment or relinquishment.

27 (f) Noncompliance with written rules or policies. The fee may not exceed \$50. A fee may be as-  
28 sessed under this paragraph only for the following types of noncompliance:

29 (A) The late payment of a utility or service charge that the tenant owes the landlord as de-  
30 scribed in ORS 90.315.

**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       **(B) Keeping on the premises a pet capable of causing damage to persons or property as**  
2 **defined in ORS 90.405.**

3       ~~[(B)]~~ **(C)** Failure to clean up pet waste from a part of the premises other than the dwelling unit.

4       ~~[(C)]~~ **(D)** Failure to clean up garbage, rubbish and other waste from a part of the premises other  
5 than the dwelling unit.

6       ~~[(D)]~~ **(E)** Parking violations.

7       ~~[(E)]~~ **(F)** The improper use of vehicles within the premises.

8       (3) A landlord may not be required to account for or return to the tenant any fee.

9       (4) Except as provided in subsection (2)(e) of this section, a landlord may not charge a tenant  
10 any form of liquidated damages, however designated.

11       (5) Nonpayment of a fee is not grounds for termination of a rental agreement for nonpayment  
12 of rent under ORS 90.394, but is grounds for termination of a rental agreement for cause under ORS  
13 90.392 or 90.630 (1).

14       (6) This section does not apply to:

15       (a) Attorney fees awarded pursuant to ORS 90.255;

16       (b) Applicant screening charges paid pursuant to ORS 90.295; or

17       (c) Charges for improvements or other actions that are requested by the tenant and are not re-  
18 quired of the landlord by the rental agreement or by law.

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