

House Bill 4085

Sponsored by Representative POWER; Representatives GREENLICK, HERNANDEZ, NOSSE (Presession filed.)

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**.

Requires court to award attorney fees, costs and necessary disbursements to tenant prevailing in action arising under rental agreement or landlord-tenant law.

Authorizes court to award attorney fees, costs and necessary disbursements to landlord prevailing in action arising under rental agreement or landlord-tenant law. Requires court to award attorney fees, costs and necessary disbursements to landlord prevailing in action arising under rental agreement or landlord-tenant law if court determines tenant had no reasonable basis for asserting claim or appealing judgment.

Authorizes court to award attorney fees, costs and necessary disbursements to prevailing party in action arising under rental agreement or landlord-tenant law but not between landlord and tenant.

A BILL FOR AN ACT

Relating to judgments; creating new provisions; and amending ORS 90.255.

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

SECTION 1. ORS 90.255 is amended to read:

90.255. (1) *[In any action on a rental agreement or arising under this chapter, reasonable attorney fees at trial and on appeal may be awarded to the prevailing party together with costs and necessary disbursements, notwithstanding any agreement to the contrary.]* As used in this section[,]:

(a) **“Landlord” means a plaintiff or defendant claiming to be, or alleged by the adverse party to be, a landlord.**

(b) **“Prevailing party” means the party in whose favor final judgment is rendered.**

(c) **“Tenant” means a plaintiff or defendant claiming to be, or alleged by the adverse party to be, a tenant.**

(2) In an action on a rental agreement or arising under this chapter:

(a) **If the tenant is the prevailing party, the court shall award the tenant costs, necessary disbursements and reasonable attorney fees.**

(b) **Except as provided in paragraph (c) of this subsection, if the landlord is the prevailing party, the court may award the landlord costs, necessary disbursements and reasonable attorney fees.**

(c) **If the landlord is the prevailing party, the court shall award the landlord costs, necessary disbursements and reasonable attorney fees if the court determines that the losing party had no objectively reasonable basis for asserting a claim or appealing an adverse decision of the trial court.**

(d) **If the action is not between landlord and tenant, the court may award the prevailing party costs, necessary disbursements and reasonable attorney fees.**

SECTION 2. The amendments to ORS 90.255 by section 1 of this 2018 Act apply to:

(1) **Actions filed on or after the effective date of this 2018 Act; and**

(2) **Appeals filed on or after the effective date of this 2018 Act from trial court or appel-**

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 **late judgments rendered before, on or after the effective date of this 2018 Act.**

2
