

D R A F T

SUMMARY

Prohibits residential and commercial evictions under specified conditions during emergency period.

Declares emergency, effective on passage.

A BILL FOR AN ACT

Relating to evictions; and declaring an emergency.

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

SECTION 1. The Legislative Assembly finds and declares that:

(1) The provisions of section 3 or 5 of this 2020 special session Act might affect the terms and conditions of certain contracts entered into in this state.

(2) The effects of the provisions of section 3 or 5 of this 2020 special session Act are not substantial because the provisions have a limited scope and duration and are necessary to protect the public health, safety and welfare. For these reasons the provisions do not undermine a contractual bargain, interfere with a party's reasonable expectations or prevent a party from safeguarding or reinstating the party's rights.

(3) Even if a provision of section 3 or 5 of this 2020 special session Act has the effect of undermining a contractual bargain, interfering with a party's reasonable expectations or preventing a party from safeguarding or reinstating the party's rights, the provision is appropriate and reasonable to carry out the significant and legitimate public purpose of responding to the declaration of a state of emergency issued by the Governor on March 8, 2020.

1 **SECTION 2.** Section 3 of this 2020 special session Act is added to
2 and made a part of ORS chapter 90.

3 **SECTION 3.** (1) As used in this section:

4 (a) “Emergency period” means the period beginning on March 22,
5 2020, and ending on the date that is 90 days after the date on which
6 the declaration of a state of emergency issued by the Governor on
7 March 8, 2020, and any extension of the declaration, is no longer in
8 effect.

9 (b) “Nonpayment” means the nonpayment of a payment that be-
10 comes due during the emergency period to a landlord, including a
11 payment of rent, late charges, utility or service charges or any other
12 charge or fee as described in the rental agreement or ORS 90.140,
13 90.302, 90.315, 90.392, 90.394, 90.560 to 90.584 or 90.630.

14 (c) “Nonpayment balance” means the net total amount of all items
15 of nonpayment by a tenant.

16 (2) During and after the emergency period and notwithstanding this
17 chapter or ORS 105.105 to 105.168, a landlord may not, and may not
18 threaten to:

19 (a) Deliver a notice of termination of a rental agreement based on
20 a tenant’s nonpayment balance;

21 (b) Initiate or continue an action under ORS 105.110 to take pos-
22 session of a dwelling unit based on a notice of termination for non-
23 payment delivered on or after March 22, 2020;

24 (c) Take any action that would interfere with a tenant’s possession
25 or use of a dwelling unit based on a tenant’s nonpayment balance;

26 (d) Assess a late fee or any other penalty on a tenant’s nonpayment
27 balance; or

28 (e) Report a tenant’s nonpayment balance as delinquent to any
29 consumer credit reporting agency.

30 (3) Notwithstanding ORS 90.220 (9), before applying payments re-
31 ceived from a tenant to a tenant’s nonpayment balance, a landlord

1 shall first apply the payments, in the following order, to:

2 (a) Rent for the current rental period;

3 (b) Utility or service charges;

4 (c) Late rent payment charges; and

5 (d) Fees or charges owed by the tenant under ORS 90.302 or other
6 fees or charges related to damage claims or other claims against the
7 tenant.

8 (4) During the emergency period, a landlord may provide a written
9 notice to a tenant stating that the tenant continues to owe any rent
10 due. The notice must also include a statement that eviction for non-
11 payment is not allowed before the date that is 90 days after the date
12 on which the declaration of a state of emergency issued by the Gov-
13 ernor on March 8, 2020, and any extension of the declaration, is no
14 longer in effect.

15 (5) A landlord may not deliver a termination notice under ORS
16 90.427 (3)(b) or (8) and may not file an eviction action under ORS
17 105.110 for notices given under ORS 90.427 (3)(b) or (8).

18 (6) If a landlord violates this section, a tenant may obtain
19 injunctive relief to recover possession or address any other violation
20 of this section and may recover from the landlord an amount up to
21 three month's periodic rent plus any actual damages.

22 (7) ORS 90.412 does not apply to a landlord that accepts a partial
23 rent payment.

24 (8) Notwithstanding any other provision of this section, a tenant
25 may not defer payment of an item of nonpayment for more than 90
26 days under this section.

27 **SECTION 4.** Section 3 of this 2020 special session Act is repealed on
28 the date that is 270 days after the date on which the declaration of a
29 state of emergency issued by the Governor on March 8, 2020, and any
30 extension of the declaration, is no longer in effect.

31 **SECTION 5.** (1) As used in this section:

1 (a) “Emergency period” means the period beginning on March 22,
2 2020, and ending on the date that is 90 days after the date on which
3 the declaration of a state of emergency issued by the Governor on
4 March 8, 2020, and any extension of the declaration, is no longer in
5 effect.

6 (b) “Landlord” means the owner, lessor or sublessor of a rental unit
7 or the building or premises of which the rental unit is a part, or a
8 person who is authorized by the owner, lessor or sublessor to manage
9 the premises or to enter into a rental agreement.

10 (c) “Nonpayment” includes the nonpayment of rent, late charges,
11 utility charges or any other service charge or fee, as described in the
12 rental agreement or ORS 91.090, 91.210 or 91.220, during the emergency
13 period.

14 (d) “Rental unit” means a structure or part of a structure for use
15 as a commercial space by a tenant.

16 (e) “Tenant” means an individual or organization entitled under a
17 rental agreement to occupy a rental unit to the exclusion of others.

18 (2) During and after the emergency period and notwithstanding
19 ORS chapter 91 and ORS 105.105 to 105.168, a landlord may not, and
20 may not threaten to:

21 (a) Deliver a notice terminating a rental agreement for a rental
22 unit based on a tenant’s nonpayment;

23 (b) Initiate or continue an action under ORS 105.110 to take pos-
24 session of a rental unit based on a termination notice for nonpayment
25 delivered on or after March 22, 2020; or

26 (c) Take any action that would interfere with a tenant’s possession
27 or use of a rental unit based on a tenant’s nonpayment.

28 (3) The tenant shall pay all received publicly funded rent assistance
29 to the landlord as payment for rent.

30 (4) Notwithstanding any provision in the rental agreement, a land-
31 lord may not impose a late fee or other penalty on a tenant for non-

1 **payment under this section.**

2 **(5) A landlord may provide a written notice to a tenant stating that**
3 **the tenant continues to owe any rent and other charges due. The no-**
4 **tice must also include a statement that eviction for nonpayment is not**
5 **allowed before the date that is 90 days after the date on which the**
6 **declaration of a state of emergency issued by the Governor on March**
7 **8, 2020, and any extension of the declaration, is no longer in effect.**

8 **(6) If a landlord violates this section, a tenant may obtain**
9 **injunctive relief to recover possession or address any other violation**
10 **of this section and may recover from the landlord an amount up to**
11 **three month's periodic rent plus any actual damages.**

12 **(7) Notwithstanding any other provision of this section, a tenant**
13 **may not defer payment of an item of nonpayment for more than 90**
14 **days under this section.**

15 **SECTION 6. Section 5 of this 2020 special session Act is repealed on**
16 **the date that is 270 days after the date on which the declaration of a**
17 **state of emergency issued by the Governor on March 8, 2020, and any**
18 **extension of the declaration, is no longer in effect.**

19 **SECTION 7. This 2020 special session Act being necessary for the**
20 **immediate preservation of the public peace, health and safety, an**
21 **emergency is declared to exist, and this 2020 special session Act takes**
22 **effect on its passage.**

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