

FISCAL IMPACT OF PROPOSED LEGISLATION

Measure: SB 873

80th Oregon Legislative Assembly – 2019 Regular Session
Legislative Fiscal Office

*Only Impacts on Original or Engrossed
Versions are Considered Official*

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Measure Description:

Allows defendant in eviction action to apply for order setting aside judgment.

Government Unit(s) Affected:

Oregon Judicial Department (OJD)

Summary of Fiscal Impact:

Costs related to the measure are indeterminate at this time - See explanatory analysis.

Analysis:

SB 873 allows a defendant in an eviction case to apply to the court for an order setting aside the judgment. The court must grant the motion if the court finds one of the following:

- The judgment was a judgment of restitution, five years have passed from the date of entry of the judgment, and the applicant has satisfied any money award in the judgment;
- The judgment was a stipulated judgment of the parties under ORS 105.145(2) and the applicant complied with the terms of the stipulated agreement and satisfied any money award in the judgment; or
- The judgment or judgment of dismissal was entered in the applicant’s favor.

The applicant must serve a copy of the motion upon the plaintiff in the underlying eviction case. The court may not charge a filing fee for the filing of the motion.

This bill creates a new process for OJD. In 2018, there were 18,250 eviction cases filed statewide in circuit courts. In 2017, there were 19,096 eviction cases filed statewide. The bill has an applicability clause that allows applicants to file a motion for any eviction judgment entered before, on, or after the effective date of the bill. The potential pool of cases is very large.

The fiscal impact to the Oregon Judicial Department is indeterminate.