House Bill 2966

Sponsored by Representative NOSSE

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.

Prohibits termination of commercial tenancy for nonpayment if outstanding rent balance does not exceed rent deposit.


Declares emergency, effective on passage.

A BILL FOR AN ACT
Relating to terminations of commercial tenancies; and declaring an emergency.

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

SECTION 1. (1) As used in this section:
(a) “Landlord” means the owner, lessor or sublessor of a rental unit or the building or premises of which the rental unit is a part, or a person who is authorized by the owner, lessor or sublessor to manage the premises or to enter into a rental agreement.
(b) “Nonpayment” includes the nonpayment of rent, late charges, utility charges or any other service charge or fee, as described in the rental agreement or ORS 91.090, 91.210 or 91.220.
(c) “Nonpayment balance” means the net total amount of all items of nonpayment by a tenant.
(d) “Rental unit” means a structure or part of a structure for use as a commercial space by a tenant.
(e) “Tenant” means an individual or organization entitled under a rental agreement to occupy a rental unit to the exclusion of others, but not including a residential tenant under ORS chapter 90.

(2) Notwithstanding ORS chapter 91 and ORS 105.105 to 105.168, if a security deposit or prepaid rent deposit, however designated, held by a landlord is greater than the nonpayment balance, a landlord may not, and may not threaten to:
(a) Terminate or deliver a notice terminating a rental agreement for a rental unit based on a tenant’s nonpayment;
(b) Initiate or continue an action under ORS 105.110 to take possession of a rental unit based on a termination notice for the tenant's nonpayment; or
(c) Take any action that would interfere with a tenant’s possession or use of a rental unit based on a tenant's nonpayment.

(3) If a landlord violates this section, a tenant may obtain injunctive relief to recover possession or address any other violation of this section and may recover from the landlord an amount up to three months’ periodic rent plus any actual damages.

SECTION 2. Section 1 of this 2021 Act is repealed on January 2, 2023.

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.

LC 3255
SECTION 3. This 2021 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2021 Act takes effect on its passage.