

House Bill 2967

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 nonpayment balance does not exceed nonpayment balance at end of grace period amortized over remaining term of rental agreement.

Sunsets January 2, 2023.

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) **"Amortized nonpayment balance"** means the number of full months remaining in the rental agreement divided by the number of full months that were remaining in the term of the rental agreement on March 31, 2021, multiplied by the nonpayment balance on March 31, 2021.

(b) **"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.

(c) **"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, during the emergency period, as defined in section 5, chapter 13, Oregon Laws 2020 (first special session).

(d) **"Nonpayment balance"** means the net total amount of all items of nonpayment by a tenant.

(e) **"Rental unit"** means a structure or part of a structure for use as a commercial space by a tenant.

(f) **"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.

(g) **"Term of the rental agreement"** includes any renewal period available at the election of the tenant.

(2) Notwithstanding ORS chapter 91 and ORS 105.105 to 105.168, if the nonpayment balance is equal to or less than the amortized 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**

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 based on a termination notice for the tenant's nonpayment; or
2 (c) Take any action that would interfere with a tenant's possession or use of a rental unit
3 based on a tenant's nonpayment.
4 (3) If a landlord violates this section, a tenant may obtain injunctive relief to recover
5 possession or address any other violation of this section and may recover from the landlord
6 an amount up to three months' periodic rent plus any actual damages.
7 SECTION 2. Section 1 of this 2021 Act is repealed on January 2, 2023.
8 SECTION 3. This 2021 Act being necessary for the immediate preservation of the public
9 peace, health and safety, an emergency is declared to exist, and this 2021 Act takes effect
10 on its passage.

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