

Requested by Representative ZIKA

**PROPOSED AMENDMENTS TO
A-ENGROSSED SENATE BILL 282**

1 On page 4 of the printed A-engrossed bill, line 5, delete “arose” and insert
2 “were based on a termination notice without cause that was delivered during
3 the emergency period as described in section 3, chapter 13, Oregon Laws 2020
4 (first special session), or were based on the tenant’s nonpayment of rent,
5 charges or fees that accrued”.

6 In line 36, delete “arose” and insert “were based on a termination notice
7 without cause that was delivered during the emergency period as described
8 in section 3, chapter 13, Oregon Laws 2020 (first special session), or were
9 based on the tenant’s nonpayment of rent, charges or fees that accrued”.

10 On page 5, delete lines 8 through 45.

11 On page 6, delete lines 1 through 15 and insert:

12 **“SECTION 10.** ORS 90.303, as amended by section 8 of this 2021 Act, is
13 amended to read:

14 “90.303. (1) When evaluating an applicant, a landlord may not consider
15 an action to recover possession pursuant to ORS 105.105 to 105.168 if the
16 action:

17 “(a) Was dismissed or resulted in a general judgment for the applicant
18 before the applicant submits the application.

19 “(b) Resulted in a general judgment against the applicant that was[:]

20 “[A)] entered five or more years before the applicant submits the
21 application[; *or*].

1 “(B) Entered on claims that were based on a termination notice without
2 cause that was delivered during the emergency period as described in section
3 3, chapter 13, Oregon Laws 2020 (first special session), or were based on the
4 tenant’s nonpayment of rent, charges or fees that accrued on or after April 1,
5 2020, and before March 1, 2022.]

6 “(2) When evaluating the applicant, a landlord may not consider a previ-
7 ous arrest of the applicant if the arrest did not result in a conviction. This
8 subsection does not apply if the arrest has resulted in charges for criminal
9 behavior as described in subsection (3) of this section that have not been
10 dismissed at the time the applicant submits the application.

11 “(3) When evaluating the applicant, the landlord may not consider crimi-
12 nal conviction and charging history unless the conviction or pending charge
13 is for conduct that is:

14 “(a) A drug-related crime, but not including convictions based solely on
15 the use or possession of marijuana;

16 “(b) A person crime;

17 “(c) A sex offense;

18 “(d) A crime involving financial fraud, including identity theft and for-
19 gery; or

20 “(e) Any other crime if the conduct for which the applicant was convicted
21 or charged is of a nature that would adversely affect:

22 “(A) Property of the landlord or a tenant; or

23 “(B) The health, safety or right to peaceful enjoyment of the premises of
24 residents, the landlord or the landlord’s agent.

25 “(4) When evaluating an applicant, a landlord may not consider the pos-
26 session of a medical marijuana card or status as a medical marijuana patient.

27 “[(5) When evaluating an applicant, a landlord may not consider an
28 applicant’s unpaid rent, including rent reflected in judgments or referrals of
29 debt to a collection agency, that accrued on or after April 1, 2020, and before
30 March 1, 2022.]

1 **“SECTION 11.** ORS 105.163, as amended by section 9 of this 2021 Act, is
2 amended to read:

3 “105.163. (1) A person who was a defendant in an action under ORS
4 105.105 to 105.168 may apply by motion to the court where the judgment was
5 entered for an order setting aside the judgment and sealing the official re-
6 cords of the action pertaining to the applicant. The court shall grant the
7 motion if the court finds that:

8 “(a) The judgment was a judgment of restitution entered against the ap-
9 plicant, the applicant has satisfied any money award included in the judg-
10 ment and[:]

11 “[(A)] at least five years have passed from the date of the judgment; [or]

12 “[(B) *The judgment was based on claims that were based on a termination*
13 *notice without cause that was delivered during the emergency period as de-*
14 *scribed in section 3, chapter 13, Oregon Laws 2020 (first special session), or*
15 *were based on the tenant’s nonpayment of rent, charges or fees that accrued*
16 *on or after April 1, 2020, and before March 1, 2022;]*

17 “(b) The judgment was a judgment by stipulation of the parties under ORS
18 105.145 (2) and the applicant has complied with the terms of the stipulated
19 agreement and satisfied any money award included in the judgment; or

20 “(c) The judgment was a judgment or judgment of dismissal entered in the
21 applicant’s favor.

22 “(2) The applicant shall serve a copy of the motion filed under subsection
23 (1) of this section upon the person who was the plaintiff in the action under
24 ORS 105.105 to 105.168. Within 30 days of service of the motion, if a written
25 objection is filed, the court shall schedule a hearing.

26 “(3) If, under subsection (2) of this section, no objection is filed or after
27 a hearing the court determines that the applicant is eligible for relief under
28 subsection (1) of this section, the court shall enter an appropriate order
29 setting aside the judgment and sealing the official records of the action
30 pertaining to the applicant. Upon entry of the order, the judgment that is

1 the subject of the motion shall be deemed not to have been entered, and the
2 applicant may answer accordingly any questions relating to its occurrence.

3 “(4) The court may not charge a filing fee for the filing of a motion under
4 subsection (1) of this section.”

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