

**Summary of Sections 14-26 of HB 2001 Dash One Amendment**  
**Landlord-Tenant Negotiated Compromise of Selected Provisions of SB 799**

Sybil Hebb, Oregon Law Center

[shebb@oregonlawcenter.org](mailto:shebb@oregonlawcenter.org)

2/14/2023

- **Establishes a 10-day notice of termination for nonpayment, up from the current 72 hours notice:** *Section 18, page 14, amending 90.394(2), and Section 19, amending the complaint form to be consistent with this change*
  - This is the time period within which the Tenant must either pay or vacate in order to avoid an eviction filing in court.
  - This change does not apply to week-to-week tenancies, which will continue to be 72 hour notice.
  
- **Notices and forms to provide information in several languages about where to seek rental assistance and legal assistance:**
  - Notices of nonpayment and court summons for nonpayment court case will include a copy of a form containing information about where to find legal assistance and rent assistance; *Section 15(2), page 11, Section 20(2)(d), page 18*
  - Oregon Judicial Department will provide the standardized form and make it available on the Court’s website in English, Spanish, Korean, Russian, Vietnamese and Chinese; *Section 16, page 11-12*
  - Information forms will include a statement in English, Spanish, Korean, Russian, Vietnamese and Chinese indicating that translated forms can be found on the website. *Section 16, page 13*
  
- **Requires landlord cooperation with rent assistance and allows tenant to “pay and stay.” Provides that nonpayment eviction case must be dismissed if:** *Section 15(3), page 11*
  - Case was filed without providing information notice;
  - Nonpayment was a result of landlord failure to participate with rental assistance;
  - Payment owed under the termination notice is made before entry of judgment.
    - If a case is dismissed because payment is made after the beginning of the case, tenant is not entitled to prevailing party fees or costs, and will owe landlord the filing fee.
  
- **Amends timing of First Appearance and Trial in nonpayment eviction case:**
  - First appearances to be scheduled 15 days after the filing of an eviction action (up from current 7 days); *Section 20(2)(a)(B), page 18*
  - Trial scheduled between 15-30 days after the first appearance (up from current no less than 15 days). *Section 23(6)(a), page 23*
  
- **Clarifies the dismissal and default judgment process:** *Section 22(2)(c) and Section 23(1), page 22*
  - Provides that a court may dismiss a complaint at any time if the complaint does not satisfy procedural requirements;
  - Provides that before entry of a default judgment against a tenant who fails to appear, the court will make a determination that the complaint has met procedural specifications and there is a sworn statement indicating that the landlord does not have knowledge that the tenant has already delivered possession of the property to the landlord.

- **Streamlines implementation of eviction expungement protections:** The bill does not change eligibility criteria for sealing of eviction proceedings but provides that the court will review cases for eligibility on an annual basis and seal qualifying cases entered after January 1, 2014. Annual review of cases will begin on or before December 31, 2024. *Sections 24 - 26, pages 25-26*
- **Requires that in distributing federal, state, or local emergency rent assistance, OHCS, public bodies, local governments, and subgrantees must promptly:** *Section 17, page 13*
  - Provide tenants with a dated receipt of application;
  - Close an application if the provider reasonably determines that the tenant is no longer participating;
  - Provide a dated notice of payment to the landlord, if the payment is made to a different entity;
  - Provide a dated notice of closure or denial to the tenant and the landlord, if the application is closed or denied without payment.
- **Non-substantive:** Updates references to prior Oregon laws and repeals outdated notice provision in current law. *Section 21, page 19*

**Changes from SB 799 reflecting compromise:**

- **60 day safe harbor on process at anytime for pending rent assistance applications - deleted**
- **Guest occupancy permissions for people to double up and share housing costs - deleted**
- **Default judgment provisions – modified and narrowed**
- **First appearance and trial timelines – reduced from proposed 21 days and 20-30 days down to 15 days and 15-30 days.**