

SB 829 STAFF MEASURE SUMMARY

House Committee On Housing

Prepared By: Claire Adamsick, LPRO Analyst

Meeting Dates: 5/20, 5/25

WHAT THE MEASURE DOES:

Adds reference to applicable eviction processes in ORS Chapter 105. Specifies that a purchaser or redemptioner entitled to real property may use forcible entry and detainer processes to obtain possession of property from occupant. Clarifies that, upon property sale, a tenant in possession of real property under an unexpired lease may remain in possession of the property until the expiration of the redemption period, subject to meeting appropriate payment obligations.

SENATE VOTE: *Passed. Ayes, 24; Nays, 3--Anderson, Johnson, Thomsen; Excused, 3--Boquist, Frederick, Heard.*

FISCAL: *No fiscal impact*

REVENUE: *No revenue impact*

ISSUES DISCUSSED:

- Technical oversight in 2009 law identified in Court of Appeals case
- Application of cross-references to appropriate judicial and non-judicial eviction statutes

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

The Oregon State Bar was established in 1935 to license and discipline lawyers, regulate the practice of law, and provide services to bar members and the public. The organization lists over 15,000 individuals admitted to practice law in Oregon. The Debtor-Creditor section of the Bar has over 500 members.

In 2009, the Legislative Assembly enacted Senate Bill 241, which clarified that an eviction action could be used to remove a person remaining in possession of real property following a foreclosure sale. In 2020, the Oregon Court of Appeals issued an opinion that overlooked the provisions enacted by SB 241 which held that eviction actions after a foreclosure could only be maintained in non-judicial foreclosure proceedings. The court later withdrew its opinion, clarifying that eviction actions were allowed in both judicial and non-judicial foreclosures.

With the intent of avoiding future confusion, Senate Bill 829 reorganizes and clarifies the process for eviction in foreclosure proceedings.