

**SB 829 STAFF MEASURE SUMMARY**

**Carrier:** Rep. Morgan

**House Committee On Housing**

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**Action Date:** 05/25/21

**Action:** Do Pass.

**Vote:** 8-0-0-0

**Yeas:** 8 - Campos, Fahey, Marsh, Meek, Morgan, Neron, Weber, Zika

**Fiscal:** No fiscal impact

**Revenue:** No revenue impact

**Prepared By:** Claire Adamsick, LPRO Analyst

**Meeting Dates:** 5/20, 5/25

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**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.

**ISSUES DISCUSSED:**

- Confusion interpreting 2009 law
- Application of cross-references to appropriate judicial and nonjudicial eviction statutes

**EFFECT OF AMENDMENT:**

No amendment.

**BACKGROUND:**

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 nonjudicial foreclosure proceedings. The court later withdrew its opinion, clarifying that eviction actions were allowed in both judicial and nonjudicial foreclosures.

With the intent of avoiding future confusion, Senate Bill 829 reorganizes and clarifies the process for eviction in foreclosure proceedings, applying appropriate cross-references in judicial and nonjudicial eviction statutes.