

House Bill 2966

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 rent balance does not exceed rent deposit.

Sunsets January 2, 2023.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1 Relating to terminations of commercial tenancies; and declaring an emergency.

2 **Be It Enacted by the People of the State of Oregon:**

3 **SECTION 1. (1) As used in this section:**

4 (a) **"Landlord" means the owner, lessor or sublessor of a rental unit or the building or**
5 **premises of which the rental unit is a part, or a person who is authorized by the owner,**
6 **lessor or sublessor to manage the premises or to enter into a rental agreement.**

7 (b) **"Nonpayment" includes the nonpayment of rent, late charges, utility charges or any**
8 **other service charge or fee, as described in the rental agreement or ORS 91.090, 91.210 or**
9 **91.220.**

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

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

14 (e) **"Tenant" means an individual or organization entitled under a rental agreement to**
15 **occupy a rental unit to the exclusion of others, but not including a residential tenant under**
16 **ORS chapter 90.**

17 (2) **Notwithstanding ORS chapter 91 and ORS 105.105 to 105.168, if a security deposit or**
18 **prepaid rent deposit, however designated, held by a landlord is greater than the nonpayment**
19 **balance, a landlord may not, and may not threaten to:**

20 (a) **Terminate or deliver a notice terminating a rental agreement for a rental unit based**
21 **on a tenant's nonpayment;**

22 (b) **Initiate or continue an action under ORS 105.110 to take possession of a rental unit**
23 **based on a termination notice for the tenant's nonpayment; or**

24 (c) **Take any action that would interfere with a tenant's possession or use of a rental unit**
25 **based on a tenant's nonpayment.**

26 (3) **If a landlord violates this section, a tenant may obtain injunctive relief to recover**
27 **possession or address any other violation of this section and may recover from the landlord**
28 **an amount up to three months' periodic rent plus any actual damages.**

29 **SECTION 2. Section 1 of this 2021 Act is repealed on January 2, 2023.**

30 **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 **SECTION 3. This 2021 Act being necessary for the immediate preservation of the public**
2 **peace, health and safety, an emergency is declared to exist, and this 2021 Act takes effect**
3 **on its passage.**

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