

Requested by Senator JAMA

**PROPOSED AMENDMENTS TO
A-ENGROSSED SENATE BILL 1069**

1 On page 1 of the printed A-engrossed bill, line 2, delete “90.300” and insert
2 “90.160, 90.300, 90.394”.

3 Delete lines 4 through 28.

4 On page 2, delete lines 1 through 27 and insert:

5 **“SECTION 1.** ORS 90.155 is amended to read:

6 “90.155. (1) Except as provided in ORS 90.300, 90.315, 90.425 and 90.675,
7 where this chapter requires written notice, service or delivery of that written
8 notice shall be executed by one or more of the following methods:

9 “(a) Personal delivery to the landlord or tenant[;].

10 “(b) First class mail to the landlord or tenant[; *or*].

11 “(c) If **allowed under** a written rental agreement [*so provides*], both first
12 class mail and attachment to a designated location. In order for a written
13 rental agreement to provide for mail and attachment service of written no-
14 tices from the landlord to the tenant, the agreement must also provide for
15 such service of written notices from the tenant to the landlord. Mail and
16 attachment service of written notices shall be executed as follows:

17 “(A) For written notices from the landlord to the tenant, the first class
18 mail notice copy shall be addressed to the tenant at the premises and the
19 second notice copy shall be attached in a secure manner to the main en-
20 trance to that portion of the premises of which the tenant has possession;
21 and

1 to read or respond to a written notice could result in you losing your
2 housing or being unaware of a change in rent. Signing this addendum
3 is voluntary. Only agree to service of written notices electronically if
4 you check your e-mail regularly.

5 “ _____
6 “(2) If a notice is served by mail **under subsection (1)(b) of this**
7 **section**, the minimum period for compliance or termination of tenancy, as
8 appropriate, shall be extended by three days, and the notice shall include the
9 extension in the period provided.

10 “(3) A landlord or tenant may utilize alternative methods of notifying the
11 other so long as the alternative method is in addition to one of the service
12 methods described in subsection (1) of this section.

13 “(4) After 30 days’ written notice, a landlord may unilaterally amend a
14 rental agreement for a manufactured dwelling or floating home that is sub-
15 ject to ORS 90.505 to 90.850 to provide for service or delivery of written no-
16 tices by mail and attachment service as provided by subsection (1)(c) of this
17 section.

18 “(5) **A party to a rental agreement may only use electronic mail to**
19 **give a written notice terminating the tenancy if allowed under sub-**
20 **section (1)(d) of this section and the termination notice is sent by both**
21 **first class mail and electronic mail.”.**

22 After line 41, insert:

23 “**SECTION 3.** ORS 90.160 is amended to read:

24 “90.160. [(1)] Notwithstanding ORCP 10 [*and not including the seven-day*
25 *and four-day waiting periods provided in ORS 90.394, where there are*]:

26 “(1) **For** references in this chapter to periods [*and*] **or** notices based on
27 a number of days, those days [*shall*] **must** be calculated by consecutive cal-
28 endar days, not including the initial day of service, but including the last
29 day until 11:59 p.m. [*Where there are*]

30 “(2) **For** references in this chapter to periods or notices based on a

1 number of hours, those hours [*shall*] **must** be calculated in consecutive clock
2 hours, beginning:

3 “(a) Immediately upon service, **except as provided in paragraph (b) of**
4 **this subsection; or**.”

5 “[2] (b) [*Notwithstanding subsection (1) of this section, for nonpayment*
6 *notices whose periods are based on a number of hours under ORS 90.394 that*
7 *are served pursuant to ORS 90.155 (1)(c), the time period described in sub-*
8 *section (1) of this section begins*] **For notices to terminate a tenancy given**
9 **under ORS 90.155 (1)(c) or (5), at 11:59 p.m. the day the notice is both**
10 **mailed and either attached to the premises or sent via electronic mail.”.**

11 In line 42, delete “3” and insert “4”.

12 On page 4, line 29, delete the boldfaced material.

13 In line 30, delete “begins” and insert “If agreed to by both parties in an
14 addendum executed after the tenancy begins and the tenant has occupied the
15 premises”.

16 On page 5, after line 18, insert:

17 “**SECTION 5.** ORS 90.394 is amended to read:

18 “90.394. The landlord may terminate the rental agreement for nonpayment
19 of rent and take possession as provided in ORS 105.105 to 105.168, as follows:

20 “(1) When the tenancy is a week-to-week tenancy, by delivering to the
21 tenant at least 72 hours’ written notice of nonpayment and the landlord’s
22 intention to terminate the rental agreement if the rent is not paid within
23 that period. The landlord shall give this notice no sooner than on the fifth
24 day of the rental period, including the first day the rent is due.

25 “(2) For all tenancies other than week-to-week tenancies, by delivering to
26 the tenant:

27 “(a) At least 72 hours’ written notice of nonpayment and the landlord’s
28 intention to terminate the rental agreement if the rent is not paid within
29 that period. The landlord shall give this notice no sooner than on the eighth
30 day of the rental period, including the first day the rent is due; or

1 “(b) At least 144 hours’ written notice of nonpayment and the landlord’s
2 intention to terminate the rental agreement if the rent is not paid within
3 that period. The landlord shall give this notice no sooner than on the fifth
4 day of the rental period, including the first day the rent is due.

5 “(3) The notice described in this section must also specify the amount of
6 rent that must be paid and the date and time by which the tenant must pay
7 the rent to cure the nonpayment of rent.

8 “(4) Payment by a tenant who has received a notice under this section is
9 timely if mailed to the landlord within the period of the notice unless:

10 “(a) The notice is served on the tenant:

11 “(A) By personal delivery as provided in ORS 90.155 (1)(a); [*or*]

12 “(B) By first class mail and attachment as provided in ORS 90.155 (1)(c);

13 **or**

14 **“(C) By first class mail and electronic mail as provided in ORS**
15 **90.155 (5);**

16 “(b) A written rental agreement and the notice expressly state that pay-
17 ment is to be made at a specified location that is either on the premises or
18 at a place where the tenant has made all previous rent payments in person;
19 and

20 “(c) The place so specified is available to the tenant for payment
21 throughout the period of the notice.”.

22 In line 19, delete “4” and insert “6”.

23 On page 6, lines 29 and 30, delete the boldfaced material and insert “or
24 electronically as provided in ORS 90.300 (14)”.

25 In line 33, delete “5” and insert “7”.

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