

HB 3522 -1 STAFF MEASURE SUMMARY

House Committee On Housing and Homelessness

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Meeting Dates: 3/17, 3/24

WHAT THE MEASURE DOES:

This measure allows property owners to reclaim their premises from squatters by providing a 24-hour written notice to vacate. It ensures that the notice does not grant any legal occupancy rights to the squatter and classifies remaining on the property after the notice period as unlawful holding by force. The measure also requires this 24-hour notice to be included in eviction complaints filed in county circuit courts and clarifies that such actions are subject to standard court and sheriff fees. Additionally, it broadens the definition of "squatter" to include individuals using any property for dwelling purposes.

Detailed Summary:

- Allows an owner of a premises to take possession of the premises from a squatter after giving the person 24 hours' written notice of the termination of the occupancy.
- Requires that said notice specify the date and time by which the person must vacate and state that the cause of the termination is the person's status as a squatter.
- Clarifies that notice does not create a right of occupancy or tenancy for the squatter.
- Classifies as cause of unlawful holding by force when the person is a squatter who remains in possession of a premises after the expiration the written notice of the termination of the occupancy.
- Adds the 24-hour notice for squatter as cause in eviction complaint submitted to county circuit court.
- Clarifies that an action to recover the possession of the premises by the person entitled to possession on the basis of a squatter remaining in possession of a premises after the expiration of a notice in circuit court is subject to the filing fees and other court or sheriff fees.
- Expands definition of "squatter" to include persons occupying any other property and using it for dwelling purposes.

Fiscal impact: May have fiscal impact, but no statement yet issued

Revenue impact: May have revenue impact, but no statement yet issued

ISSUES DISCUSSED:

- Challenges unlawful occupancy presents to property owners and rental property
- Timelines for existing mechanisms (such as the ejection process) to remove squatters from properties
- Expedited Forcible Entry and Detainer (FED) process to obtain a court order to vacate unit

EFFECT OF AMENDMENT:

-1 Permits landlords to also take possession pursuant of premises from a squatter after giving a 24 hours' written notice of the termination of the occupancy.

BACKGROUND:

A squatter is someone who occupies a property unit without permission or legal right with the potential to gain legal rights through adverse possession. In Oregon, squatters may acquire legal ownership of a property through adverse possession if they meet specific criteria over a continuous period of 10 years ([ORS 105.620](#)). Adverse possession allows squatters to claim ownership of a property they don't legally own. This concept is based on the idea that if a property owner neglects their rights, a squatter can step in and take possession. The requirements for adverse possession, a legal right, include open, notorious, continuous, and hostile use of the property. Hostile

HB 3522 -1 STAFF MEASURE SUMMARY

Possession means occupying the property without the owner's permission and with an honest belief of having the right to do so. Actual possession refers to physically using the property as an owner would, such as maintaining or making improvements. Open and notorious possession means that the occupation must be obvious to others, not concealed, signaling to the public and the owner that the property is being used. Exclusive possession refers to the squatter must be the sole occupant, not sharing possession with others, including the legal owner. Continuous possession refers to the squatter must maintain uninterrupted possession for the entire 10-year period without significant absence.

Oregon does not require squatters to pay property taxes or possess a "color of title" (unofficial ownership of a property, usually without certain required documents like an official deed) to make an adverse possession claim; they can gain color of title through the process of making a successful claim for adverse possession in Oregon. The only requirement before the claim is filed is the ten-year continuous occupation. Property owners facing unauthorized occupants must follow legal eviction procedures, which involve serving proper notice and potentially filing an unlawful detainer lawsuit.