

House Bill 2297

Sponsored by Representative MANNIX (Pre-session filed.)

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**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: This Act deters tenants from waiting until eviction process to pay rent. (Flesch Readability Score: 60.7).

Requires a tenant to pay accruing rent to avoid termination for nonpayment. Requires the awarding of attorney fees in favor of a landlord if a tenant does not pay rent until the date of trial.

A BILL FOR AN ACT

1
2 Relating to tendering rent to avoid termination of residential tenancy; creating new provisions; and
3 amending ORS 90.395.

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

5 **SECTION 1.** ORS 90.395 is amended to read:

6 90.395. (1) As used in this section:

7 (a) "Nonpayment" means the nonpayment of a payment that is due to a landlord, including a
8 payment of rent, late charges, utility or service charges or any other charge or fee as described in
9 the rental agreement or ORS 90.140, 90.302, 90.315, 90.392, 90.394, 90.560 to 90.584 or 90.630.

10 (b) "Nonpayment" does not include payments owed by a tenant for damages to the premises.

11 (2) A landlord shall deliver a copy of the notice posted on the website of the Judicial Depart-
12 ment under ORS 105.136 along with:

13 (a) Any notice of termination for nonpayment; and

14 (b) Any summons for a complaint seeking possession based on nonpayment given by the landlord
15 or service processor, including a summons delivered under ORS 105.135 (3)(b).

16 (3) A court shall enter a judgment dismissing a complaint for possession that is based on a ter-
17 mination notice for nonpayment if the court determines that:

18 (a) The landlord failed to deliver the notice as required under subsection (2) of this section;

19 (b) The landlord caused the tenant to not tender rent, including as a result of the landlord's
20 failure to reasonably participate with a rental assistance program; or

21 (c) The tenant has tendered or caused to be tendered rental assistance or any other payment
22 covering:

23 **(A) The nonpayment amount owed under the termination notice for nonpayment; and**

24 **(B) Any additional rent that becomes due on or before the date of the payment.**

25 (4) Notwithstanding ORS 105.137 (4), if a claim for possession is dismissed under subsection (3)(c)
26 of this section and the payment was tendered after the action was commenced[,]:

27 **(a) The tenant is not entitled to prevailing party fees, costs or attorney fees.**

28 **(b) If the tenant tenders rent on the date scheduled for trial, the landlord is entitled to**
29 **a money judgment in the amount of the landlord's costs and reasonable attorney fees.**

30 (5) Notwithstanding ORS 90.302, a landlord may charge a tenant for filing fees paid under ORS

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.

1 105.130, if the complaint for possession is dismissed under subsection (3)(c) of this section. Payment
2 of the fees is not a prerequisite for dismissal under subsection (3)(c) of this section.

3 **SECTION 2. The amendments to ORS 90.395 by section 1 of this 2025 Act apply to com-**
4 **plaints for possession that are based on termination notices issued on or after January 1,**
5 **2025.**

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