

Senate Bill 1002

Sponsored by Senator THATCHER; Senator WEBER, Representatives DIEHL, RESCHKE

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: The Act allows a court to evict a squatter or a tenant who returns after eviction. (Flesch Readability Score: 63.6).

Allows a court to enter a supplemental eviction judgment within 180 days of an eviction judgment against a tenant who reenters the property, subject to the tenant's right to request a hearing.

Allows a court to evict an unauthorized occupant under the process for eviction of a residential tenant. Applies to existing occupancies.

A BILL FOR AN ACT

1
2 Relating to eviction; creating new provisions; and amending ORS 105.115, 105.130, 105.152 and
3 105.153.

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

5 **SECTION 1. Section 2 of this 2025 Act is added to and made a part of ORS 105.100 to**
6 **105.168.**

7 **SECTION 2. (1) Within 180 days following a judgment, a court may enter a supplemental**
8 **judgment of restitution in favor of the plaintiff upon receipt of an affidavit or declaration**
9 **that:**

10 (a) **The defendant vacated the premises following a judgment of restitution given in favor**
11 **of the plaintiff under ORS 105.128, 105.137, 105.145, 105.146 or 105.149;**

12 (b) **For reasons outside of the plaintiff's reasonable control, the defendant has since re-**
13 **turned to and is occupying the premises without authorization, permission or a new rental**
14 **agreement;**

15 (c) **A notice of restitution under ORS 105.151 (1)(a):**

16 (A) **Has not been issued;**

17 (B) **Was previously served on the defendant; or**

18 (C) **Has expired as described in ORS 105.159 (3); and**

19 (d) **A writ of execution of judgment of restitution under ORS 105.151 (1)(b):**

20 (A) **Has not been issued; or**

21 (B) **Has expired as described in ORS 105.159 (3) or 105.161 (3).**

22 (2) **A supplemental judgment of restitution under this section may be enforced as pro-**
23 **vided in ORS 105.151.**

24 (3) **The court shall establish a procedure that allows the defendant to request a hearing**
25 **on the plaintiff's affidavit or declaration under this section and delay expiration of the notice**
26 **of restitution period or execution upon a supplemental judgment of restitution pending the**
27 **hearing.**

28 (4)(a) **To contest a plaintiff's affidavit or declaration of noncompliance under subsection**

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 (3) of this section and delay expiration of the notice of restitution period or execution upon
2 the supplemental judgment of restitution, a defendant shall file a request for hearing with
3 the clerk of the court.

4 (b) The request must be filed prior to issuance by the clerk of a writ of execution of
5 supplemental judgment of restitution and must include a statement by the defendant that
6 either:

7 (A) The defendant has entered into a new rental agreement for the premises following
8 the original judgment of restitution; or

9 (B) The defendant has not returned and does not intend to return to the premises.

10 (c) A court may provide an ex parte review of the hearing request in the manner provided
11 by ORS 105.148 (1)(b).

12 **SECTION 3.** ORS 105.152 is amended to read:

13 105.152. (1) If the court entered a judgment pursuant to ORS 105.146, a notice of restitution is-
14 sued by the clerk of the court pursuant to ORS 105.151 must be in substantially the following form:
15 _____

16
17 IN THE CIRCUIT COURT FOR
18 THE COUNTY OF _____

19
20 Notice of Restitution
21 because of not complying
22 with a court-approved agreement
23

24 Case Number _____

25
26 TO: _____

27 (Tenant/Defendant)

28
29 _____
30 (Address of rental property)
31

32 You and your landlord made a court-approved agreement allowing you to stay in the property.
33 Your landlord claims that you have not kept that agreement. (A copy of the landlord’s claim is at-
34 tached.) Unless you can prove to the court why you should not have to move out, you must move
35 by the MOVE OUT DATE listed below. If you do not, the landlord can have the Sheriff physically
36 remove you.

37 If you believe that you have kept the agreement or that you have a legal reason for not keeping
38 the agreement, you are entitled to a court hearing. Legal reasons are listed in ORS 105.148 and
39 105.149. They include the landlord interfering with your effort to keep the agreement and your
40 complying with a modification of the agreement made by you and your landlord.

41 To request a hearing, you must go to the court and complete a form explaining why you believe
42 that you have kept (or should not be required to keep) the agreement. You have to do this
43 before _____ a.m./p.m. on _____. The Sheriff will not physically remove you from the
44 property before the hearing.

45 If the judge rules against you at the hearing, the landlord can have the Sheriff physically re-

1 move you.

2

3

DEADLINE TO MOVE OUT
MOVE OUT DATE: _____

5

6 If you do not request a hearing, you must move out of the property no later than 11:59 p.m. on
7 the Move Out Date.

8 If you and everyone else living there do not move out by that time, the Sheriff will physically
9 remove you. You must also move all of your belongings by that time. Anything you leave behind
10 will be stored or disposed of as allowed by law.

11

12 _____

13 Deputy Court Administrator

14

15

16 **(2) If the court entered a supplemental judgment pursuant to section 2 of this 2025 Act,**
17 **a notice of restitution issued by the clerk of the court pursuant to ORS 105.151 must be in**
18 **substantially the following form:**

19

20

**IN THE CIRCUIT COURT FOR
THE COUNTY OF _____**

23

24

**Notice of Restitution
of tenant returning after
judgment of restitution**

25

26

27

28

Case Number _____

29

30 **TO: _____**

31 **(Tenant/Defendant)**

32

33 _____

34 **(Address of rental property)**

35

36 **Your landlord claims that despite the previous judgment of restitution, you have not**
37 **vacated or have returned to the property. A copy of your landlord's claim is attached. The**
38 **Court has issued a supplemental judgment of restitution.**

39 **Unless you can prove to the court that you have not reentered the property or why you**
40 **should not have to move out, you must move by the MOVE OUT DATE listed below.**

41 **You are entitled to a court hearing. To request a hearing, you must go to the court and**
42 **complete a form. You have to do this before _____ a.m./p.m. on _____. The**
43 **Sheriff will not physically remove you from the property before the hearing.**

44 **If the judge rules against you at the hearing, the landlord can have the Sheriff physically**
45 **remove you.**

DEADLINE TO MOVE OUT
MOVE OUT DATE: _____

If you do not request a hearing, you must move out of the property no later than 11:59 p.m. on the Move Out Date.

If you and everyone else living there do not move out by that time, the Sheriff will physically remove you. You must also move all of your belongings by that time. Anything you leave behind will be stored or disposed of as allowed by law.

Deputy Court Administrator

SECTION 4. ORS 105.153 is amended to read:

105.153. If a court entered a judgment other than pursuant to ORS 105.146 **or section 2 of this 2025 Act**, a notice of restitution issued by the clerk of the court pursuant to ORS 105.151 must be in substantially the following form:

In the Circuit Court for the
County of _____

NOTICE OF RESTITUTION

Case Number _____

TO: _____
(Defendant/Tenant)

(Address of property)

DEADLINE TO MOVE OUT
MOVE OUT DATE: _____

The Court has ordered you to move out of the property. You must move out no later than 11:59 p.m. on the Move Out Date.

If you and everyone else living there do not move out by that time, the Sheriff will physically remove you. You must also move all of your belongings by that time. Anything you leave behind will be stored or disposed of as allowed by law.

1 Deputy Court Administrator

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4 **SECTION 5.** ORS 105.115 is amended to read:

5 105.115. (1) Except as provided by subsections (2) and (3) of this section, the following are causes
6 of unlawful holding by force within the meaning of ORS 105.110, 105.123 and 105.126:

7 (a) When the tenant or person in possession of any premises fails or refuses to pay rent within
8 10 days after the rent is due under the lease or agreement under which the tenant or person in
9 possession holds, or to deliver possession of the premises after being in default on payment of rent
10 for 10 days.

11 (b) When the lease by its terms has expired and has not been renewed, or when the tenant or
12 person in possession is holding from month to month, or year to year, and remains in possession
13 after notice to quit as provided in ORS 105.120, or is holding contrary to any condition or covenant
14 of the lease or is holding possession without any written lease or agreement.

15 (c) When the owner or possessor of a recreational vehicle that was placed or driven onto prop-
16 erty without the prior consent of the property owner, operator or tenant fails to remove the recre-
17 ational vehicle. The property owner or operator is not required to serve a notice to quit the
18 property before commencing an action under ORS 105.126 against a recreational vehicle owner or
19 possessor holding property by force as described in this paragraph.

20 (d) When the person in possession of a premises remains in possession after the time when a
21 purchaser of the premises is entitled to possession in accordance with the provisions of ORS 18.946
22 or 86.782.

23 (e) When the person in possession of a premises remains in possession after the time when a
24 deed given in lieu of foreclosure entitles the transferee named in the deed to possession of the
25 premises.

26 (f) When the person in possession of a premises remains in possession after the time when a
27 seller is entitled to possession in accordance with the provisions of ORS 93.930 (2)(c) or pursuant
28 to a judgment of strict foreclosure of a recorded contract for transfer or conveyance of an interest
29 in real property.

30 (g) When the person in possession of a premises remains in possession after the expiration of a
31 valid notice terminating the person's right to occupy the premises pursuant to ORS 91.120, 91.122
32 or 91.130.

33 **(h) When the person in possession of a premises, including a person who is a squatter,**
34 **as defined in ORS 90.100, remains in possession if that person has entered the premises not**
35 **pursuant to a tenancy, a rental agreement or another agreement authorizing occupancy, or**
36 **has entered as a guest and refuses to depart after the owner has demanded, orally or in**
37 **writing, that the person vacate the premises.**

38 (2) In the case of a dwelling unit to which ORS chapter 90 applies:

39 (a) The following are causes of unlawful holding by force within the meaning of ORS 105.110 and
40 105.123:

41 (A) When the tenant or person in possession of any premises fails or refuses to pay rent within
42 the time period required by a notice under ORS 90.392 or 90.394.

43 (B) When a rental agreement by its terms has expired and has not been renewed, or when the
44 tenant or person in possession remains in possession after a valid notice terminating the tenancy
45 pursuant to ORS chapter 90, or is holding contrary to any valid condition or covenant of the rental

1 agreement or ORS chapter 90.

2 (b) A landlord may not file an action for the return of possession of a dwelling unit based upon
3 a cause of unlawful holding by force as described in paragraph (a) of this subsection until after the
4 expiration of a rental agreement for a fixed term tenancy or after the expiration of the time period
5 provided in a notice terminating the tenancy.

6 (c) The court may dismiss a claim for possession at any time if the complaint does not comply
7 with this subsection.

8 (3) In an action under subsection (2) of this section, ORS chapter 90 shall be applied to deter-
9 mine the rights of the parties, including:

10 (a) Whether and in what amount rent is due;

11 (b) Whether a tenancy or rental agreement has been validly terminated; and

12 (c) Whether the tenant is entitled to remedies for retaliatory conduct by the landlord as pro-
13 vided by ORS 90.385 and 90.765.

14 **SECTION 6.** ORS 105.130 is amended to read:

15 105.130. (1) Except as provided in this section and ORS 105.135, 105.137 and 105.140 to 105.161,
16 an action pursuant to ORS 105.110 shall be conducted in all respects as other actions in courts of
17 this state.

18 (2) Upon filing a complaint in the case of a dwelling unit to which ORS chapter 90 applies, the
19 clerk shall:

20 (a) Collect a filing fee of \$88;

21 (b) Collect any other fee authorized by law or ordinance; and

22 (c) With the assistance of the plaintiff or an agent of the plaintiff, complete the applicable
23 summons and provide to the plaintiff or an agent of the plaintiff sufficient copies of the summons
24 and complaint for service.

25 (3) The court shall collect a filing fee of \$88 from a defendant that demands a trial under this
26 section.

27 (4) An action pursuant to ORS 105.110 shall be brought in the name of a person entitled to
28 possession as plaintiff. The plaintiff may appear in person or through an attorney. In an action to
29 which ORS chapter 90 applies, the plaintiff may also appear through a nonattorney who is an agent
30 or employee of the plaintiff or an agent or employee of an agent of the plaintiff.

31 (5) Notwithstanding ORS 9.160, 9.320 and ORS chapter 180, a state agency may appear in an
32 action brought pursuant to ORS 105.110 through an officer or employee of the agency if:

33 (a) The Attorney General consents to the representation of the agency by an officer or employee
34 in the particular action or in the class of actions that includes the particular action; and

35 (b) The agency, by rule, authorizes an officer or employee to appear on its behalf in the partic-
36 ular type of action being conducted.

37 (6) An action brought under ORS 105.110 by a person entitled to possession of premises on the
38 basis of circumstances described in ORS 105.115 (1)(d), (e), (f) or (h) [or (f)] is subject to the filing
39 fees and other court or sheriff fees applicable to an action concerning a dwelling unit that is subject
40 to ORS chapter 90. The procedure under ORS 105.100 to 105.168 that is applicable to an action
41 concerning a dwelling unit subject to ORS chapter 90 shall also apply to an action brought under
42 ORS 105.115 (1)(d), (e), (f) or (h) [or (f)], except that the complaint must be in the form prescribed
43 in ORS 105.126.

44 **SECTION 7. The amendments to ORS 105.115 and 105.130 by sections 5 and 6 of this 2025**
45 **Act apply to persons who have commenced possession of a premises before, on or after the**

1 **effective date of this 2025 Act.**

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