

Chair Marsh, Vice-chairs Breese-Iverson and Anderson, and members of the House Committee on Housing and Homelessness

February 19, 2025

The Oregon Law Center opposes HB 2305.

1. We are not here to defend bad actor tenants.
2. We believe current Oregon law, developed over 30 years in negotiations between the two interests, fairly and adequately addresses bad actors – and, in fact, does so more quickly and easily for landlords than HB 2305 proposes to do.
3. HB 2305 would require three separate notices of at least 30 days, within the preceding 12 months, with each of the first two notices allowing a cure and warning of no cure upon a third notice.
4. Current law is better for landlords. Using Rep. Mannix' examples of a bad actor tenant from the February 17 hearing:
  - a. Stalking another tenant: ORS 90.445 allows a landlord to terminate the tenancy of a tenant who “perpetrates a criminal act of physical violence related to . . . stalking upon at least 24 hours’ written notice, with no right to cure. This includes “bifurcating” a tenancy, where the perpetrator and the victim are co-tenants, removing the perpetrator while leaving the victim as a tenant.

- b. Trashing the premises: ORS 90.396 (1) (d) allows a landlord to terminate the tenancy of a tenant who “intentionally inflicts any substantial damage to the premises” upon 24 hours’ written notice with no right to cure. This includes conduct by a tenant’s guest or pet.
- c. Late night parties: ORS 90.392 (4) (a) (B) allows a landlord to terminate the tenancy of a tenant who materially violates the rental agreement or ORS 90.325 (tenant duties, including not disturbing the peaceful enjoyment of the premises by others) upon a thirty-day written notice, which provides 14 days to cure; if the violation is a “separate and distinct act” – such as a loud party – the landlord can require the cure immediately upon service of the notice, meaning that the tenant cannot continue to party for the full 14-day cure period. If the tenant repeats the violation – “substantially the same act” – within six months, the landlord can terminate the tenancy upon 10 days’ written notice with no right to cure.

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