

How Evictions Are Changing Under HB 2001 (2023)

Important Changes To Oregon Eviction Law

Overview:

Effective March 29, 2023, *House Bill 2001 (2023)* redefines the statutory meaning of non-payment, extends the time given in termination notices for non-payment (back to 10/13 days as they were during the pandemic protections), requires additional information and disclosures in non-payment notices and summons, and also extends the eviction timelines (so these cases are now going to take longer).

More fully described, *HB 2001*:

- Extends the 72-hour timeline for issuance of notice of intention to terminate rental agreement based on nonpayment to 10 days for residential eviction notices and extends 144-hour timeline to 13 days.
- Requires landlord to deliver notice to tenant specifying rights and resources (this notice is set out below and may be found at <https://www.courts.oregon.gov/forms/Documents/FED-Notice-2023-03-24.pdf>), subject to court dismissal of complaint for possession if landlord fails to deliver notice or tender rent owed by the tenant.
- Directs Judicial Department, in consultation with Housing and Community Services Department, to regularly update and translate notice form into specified languages other than English.
- Clarifies responsibilities of public bodies distributing rental assistance.
- Specifies requirements for scheduling first appearance in court summons for nonpayment.
- Clarifies conditions for default judgment in favor of plaintiff bringing tenancy termination complaint, requiring that a declaration or affidavit of supporting facts be filed for a default.
- Requires circuit courts to annually set aside eviction-related judgments and seal court records, subject to certain court findings and provided that the judgment occurred after January 1, 2014.
- Creates a rent assistance fund that may help renters bridge the financial gap and keep them housed.

Change to Definition of Non-Payment & How They Area Handled:

Under *HB 2001*, “*Nonpayment*” means the nonpayment of a payment that is due to a landlord, including a payment of rent, late charges, utility or service charges or any other charge or fee as described in the rental agreement or *ORS 90.140, 90.302, 90.315, 90.392, 90.394, 90.560 to 90.584 or 90.630*. In addition to changing the form FED complaint to provide for *ORS 10/13* day notices for non-payment, is also has a new section for all other ‘non-payment’ cases filed using *30/14* ‘for cause’ notices.

New Notice Required to Accompany Non-Payment Termination Notices & FED Summons:

The notice must be in substantially the following form:

NOTICE RE: EVICTION FOR NONPAYMENT OF RENT

THIS IS AN IMPORTANT NOTICE OF WHERE TO GET HELP IF YOU ARE FACING POTENTIAL EVICTION FOR NONPAYMENT

(Spanish) Este formulario está disponible en español en:
(Russian) Бланк этого документа можно получить на русском языке в:
(Vietnamese) Đơn này có bằng tiếng Việt tại:
(Traditional Chinese) 本表格的繁体中文版在:
(Korean) 한국어로 번역된 양식은 다음 웹 사이트에서 찾을 수 있습니다:
<https://www.courts.oregon.gov/forms/Pages/landlord-tenant.aspx>

You must comply with deadlines identified in a notice of nonpayment or you risk losing your housing

Rental assistance and support services may be available. Dial 2-1-1 or go to www.211info.org. Find a local service provider at <https://www.oregon.gov/ohcs/housing-assistance/pages/emergency-rental-assistance.aspx>

Low-income tenants may be able to receive free or low-cost legal advice by contacting a legal aid organization. Go to <https://oregonlawhelp.org> to find an office near you. The Oregon State Bar provides information about legal assistance programs at www.osbar.org/public

Contact information for the county veteran's service officer(s)/community action agency for the county where you live is: [Filled in per county] County Veteran Services, [To Be Included per county info] Phone: [To Be Included per county info] or 2-1-1.

HB 2001 also:

- Substantially **delays the timeframe for eviction based on non-payment from the current 7 days** after payment of filing fees **to 15 days** after payment of filing fees and, "The clerk may delay the first appearance by up to seven days to accommodate dates on which a judge is unavailable to conduct the first appearance and, if possible, to accommodate dates that the plaintiff has indicated unavailability" (which could add additional days).
- Requires **specialized disclosures to be included with the non-payment termination notices and with any eviction summons and complaint.**

- Requires landlords to **cooperate with rent assistance**.
- **Extends the date for trial** from the current **maximum of 15 days to no earlier than 15 days, and no later than 30 days, following the first appearance**.
- **Allows the tenant the right to redeem** (pay the rent or other charges) **up to the date of a trial**.

That means **an eviction for nonpayment could soon take up to two months to complete**. In the case of a Notice of Termination with Cause for nonpayment of other lawful charges, the disclosure will also need to be included, and the extended timeframes for eviction will also apply.

HB 2001 (2023) Enrolled may be found at:

<https://olis.oregonlegislature.gov/liz/2023R1/Downloads/MeasureDocument/HB2001>

The legislative analysis and summary of this bill may be found at:

<https://olis.oregonlegislature.gov/liz/2023R1/Downloads/MeasureAnalysisDocument/74969>

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