

**In Our Ongoing Efforts To Keep You Informed ~ Senate Bill 1069 (2023) makes
significant changes to
ORS 90.155, the written notice statute in Oregon’s Residential Landlord Tenant Act,
that go into effect January 1, 2024
(so you have plenty of times to change your forms/get new forms)**

New Way To Serve Written Notices –

The ORLTA currently authorizes three methods for serving written notice: (1) personal service; (2) service by first-class mailing; and, (3) service by posting and first class mailing the same day. Senate Bill 1069 creates a fourth type of service - ‘email and mail’ service. In order to use ‘email-and-mail’ service, the housing provider and resident must, after the tenancy begins and the tenant has occupied the premises, sign a separate addendum to their rental agreement authorizing the use of ‘email-and-mail’ service by the housing provider and the resident.

The ‘email and mail’ service addendum must: (a) specify the housing provider’ email address from which the housing provider agrees to send and receive email; (b) specify the email address from which the resident agrees to send and receive email; (c) allow either party to terminate service via email, or to change their email address with no less than three days’ written notice; and, (d) contain the following disclosure –

THIS IS AN IMPORTANT NOTICE ABOUT YOUR RIGHTS

By signing this addendum, you agree to receive written notices from your landlord by e-mail. This may include important legal notices, including rent increase and tenancy termination notices. Failure to read or respond to a written notice could result in you losing your housing or being unaware of a change in rent. Signing this addendum is voluntary. Only agree to service of written notices electronically if you check your e-mail regularly.

By incorporating this language into your rental agreement by a subsequent addendum, you may use electronic mail to give a written notice terminating the tenancy only if allowed under subsection (1)(d) of this section and the termination notice is sent by both first-class mail and electronic mail.

Electronic Return of Money –

ORS 90.412 has been changed to allow electronic return of money. The ORLTA currently provides that if a housing provider must return tendered funds to avoid waiver, the housing provider must return those funds to the resident by either personal delivery or first-class mail. This is often done by either returning the resident’s check, or pro-rating rent through the less-than-ten-days-following-receipt refund return date, where you send the resident a check refunding the unused balance of their payment for the pro-rated portion beyond the refund date. Recognizing the prevalence of electronic payments, Senate Bill 1069 now allows housing providers to return money electronically to a bank account or other financial institution designated by the resident via a written addendum. Much like

the changes in ORS 90.155, the resident must agree by separate addendum to receive money electronically after their tenancy begins and after they occupied the premises.

Security Deposit Refunds -

ORS 90.300 has been changed to allow for "electronic transmittal" of security-deposit obligations to allow for the transmission of required final-accounting documents under ORS 90.300 through email. Housing providers will be allowed to return security-deposit refunds to a designated bank account or other financial institution, assuming a written addendum is in place as described above. This will remove the requirements of a physical check and final accounting being mailed to the tenant post-tenancy and will allow landlords to complete those "post-tenancy obligations" in a more modern way. Much like the changes in ORS 90.155 and 90.412, the resident must agree by separate addendum to allow for transmission of final-accounting documents and payment electronically after their tenancy begins and after they occupied the premises.



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LAW OFFICES OF BRIAN COX

"People Helping People"

142 West 8th Avenue

Eugene, Oregon 97401



(541) 683-7151 • (541) 485-7742 • bcox@coxassociates.info

<http://www.briancoxeugeneattorney.com/> <https://www.linkedin.com/in/briancoxattorney>

FOR ADDITIONAL ASSISTANCE, please contact my assistant Sadi Hayes at sadi@coxassociates.info.

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