



EVICTON PROCESS. OVERVIEW AND Q&A.

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OREGON LAW CENTER

TODAY'S AGENDA

- Relevant law changes in HB 2001 (As of 3/29/2023)
- Types of residential eviction notices
- Overview of eviction process for nonpayment of rent cases
- Contact info and resources
- Q&A

COMMON TYPES OF EVICTION NOTICE

- Outrageous conduct (24-hour)
- Nonpayment of rent (10-day)
- For-cause (30-day/14)
- No-cause (30/60-day; 90 in Portland or Milwaukie)
- Landlord cause (90-day)

Note: Most displacements occurring during these windows of time – before the court process begins.

TERMINATION NOTICES FOR NONPAYMENT OF RENT MUST GIVE AT LEAST 10 DAYS TO PAY

- Under the new law, renters who rent month to month or have a lease have a right to at least 10 days' notice before a landlord can evict for nonpayment of rent. 72-hour notices are no longer allowed for any tenancy other than week-to-week tenancies. If a renter pays the late rent in full during the 10-day notice period, the landlord cannot file an eviction based on the unpaid rent. If a landlord gives a 72-hour notice for nonpayment of rent, renters may have a legal defense to an eviction case.
- If the unit receives a federal subsidy (e.g., PBS8, LIHTC, HCV), the Landlord must give 30 days' notice on nonpayment terminations.

RENTERS CAN PAY OVERDUE RENT AFTER AN EVICTION CASE HAS STARTED

- Even if a landlord has already started an eviction case, renters now have the right to pay their overdue rent and get the eviction case dismissed. Landlords no longer have the right to refuse a rent payment just because the time to pay stated on the nonpayment notice has passed. Renters have until the time of their trial to pay their landlord the amount of rent that is due on the termination notice.
- This new law is sometimes referred to as the “Right to Redeem.”
- If the landlord has already started the court process by the time the tenant pays, the landlord can charge the tenant for the court fees, must do so out of the court process. In other words, the tenant doesn’t have to pay the court fees in order to get the case dismissed.

LANDLORDS CANNOT REFUSE TO WORK WITH RENT ASSISTANCE PROVIDERS

- If a landlord refuses to work with a rent assistance provider, and as a result a renter can't pay rent, renters have a defense to an eviction that is based on nonpayment. If a landlord prevents a renter from paying rent in other ways, renters may also have a defense.
- Tenants should keep good track of any communication with the rent assistance provider and any attempts by the tenant or provider to make payment to the landlord. These records are important evidence in court if the landlord's refusal to cooperate is the reason why the tenant couldn't pay.

ADDITIONAL PROTECTIONS AGAINST DEFAULT JUDGMENT

- If a tenant misses their First Appearance court date, the court can enter a default judgment against them and move to lockout.
- HB 2001 provides new protections:
 - Landlord must attest before default that the tenant hasn't already left the unit.
 - The court must review the filing and cannot order a default if the filing was not legally valid.
- If a tenant misses their court date, they can find materials on oregonrentersrights.org to help file a Motion to Set Aside the Default Judgment.
 - In addition to the new protections above, tenants might also get a do-over of their eviction hearing if the court finds that the reason they missed court is due to "excusable neglect."

EVICTIION PROCESS TIMELINE (SAMPLE MONTH NOV 2023)

- Before the termination notice (late October 2023): Tenant feels uncertain about ability to pay next month's rent
- Resources available: 211, CBO's



EVICTON PROCESS TIMELINE (SAMPLE MONTH NOV 2023)

- Notice of termination of tenancy for nonpayment of rent (issued to tenant no sooner than November 8): Tenant is more than 7 days late on rent. Landlord issues a 10-day notice to pay or vacate.
- Resources: 211, CBO's, EDP for legal and rent assistance.

Oregon Rental Housing **10-DAY NOTICE TO PAY OR VACATE FOR NONPAYMENT OF RENT** **VT2a**

Tenant(s): _____ et al (and all others)
Tenant(s): _____ Unit: _____
Address: _____
City: _____ OREGON Zip: _____

This is to inform you that your Rent is now at least seven (7) days Past Due.
This is your 10-Day Written Notice to Pay Your Past Due Rent or your Rental Agreement will be terminated as provided by Oregon Landlord/Tenant Law.
To Satisfy This Notice, You Must Pay At Least Your Past Due Rent Amount of \$ _____

☐ **This Notice has been served personally to each individual named above.**
Date: _____ Time: _____ (If left blank, Notice was served prior to 11:59 p.m. on Date of Service.)
Your Past Due Rent Amount must be paid by: _____ (Time Notice Expires or 11:59 p.m. of _____) on _____ (date) or your tenancy will be terminated automatically without further notice.

☐ **This Notice has been served by posting on the main entrance door of the Dwelling Unit and mailed First Class Mail.**
Date: _____ Time: _____ (If left blank, Notice was served prior to 11:59 p.m. on Date of Service.)
Your Past Due Rent Amount must be paid by 11:59 pm on _____ or your tenancy will be terminated automatically without further notice.

☐ **This Notice has been served by First Class Mail and the Effective Date is extended by four days, including Date Mailed.**
Date: _____ Time: _____ (If left blank, Notice was served prior to 11:59 p.m. on Date of Service.)
Your Past Due Rent Amount must be paid by 11:59 pm on _____ (date) or your tenancy will be terminated automatically without further notice.

Housing Choice/Section 8 Voucher Recipients: Notice is served by one of the methods above AND a copy mailed, emailed or faxed to the Public Housing Authority the same day.

If you are on a Fixed-Term Lease, be advised your landlord has no option to terminate your tenancy at the End of your Lease if you have received three or more Notices for Noncompliance (Nonpayment of Rent) within a 12-month period preceding the End of the Fixed-Term. Owner/Agent may terminate the tenancy by giving a 90-day notice prior to the Lease End Date, or 90 days prior to the date designated in the Notice, whichever is later. Correcting the issue after subsequent violation is not a defense to the termination. This is your ____ violation in the last 12 months.

Owner/Agent Signature: _____ Date: _____

MAKE PAYMENTS TO:
Owner/Agent: _____
Address: _____
City: _____ State: _____ Zip: _____
Telephone: _____ Email: _____

For Information of Parties Only:

Unpaid Past Due Rent:	\$ _____
Actual Damages (costs) incurred by Owner/Agent for preparation and service of this Notice:	\$ _____
Other amounts owed to account:	\$ _____
Total Amount Due (not including Rent Amount above):	\$ _____

There may be additional charges due under your Rental Agreement for which you remain responsible.
To avoid Termination of your Tenancy for Nonpayment of Rent, you need only pay the Past Due Rent Amount listed above.

If you are a veteran of the armed forces, assistance may be available from a county veterans' service officer or community action agency. Call the 2-1-1 information service to learn about resources in your area.

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EVICTON PROCESS TIMELINE (SAMPLE MONTH NOV 2023)

- Eviction court filing (Nov 19):
Landlord can file an eviction court complaint (aka, FED) after the 10th day is up, or after whatever date is listed in the Notice of Termination, whichever is later. A Summons is served on the tenant after filing, which will include the court date for the tenant's First Appearance.
- Resources: 211, EDP for legal help and rent assistance through EPRR. Also OSB for private atty.

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF _____

Plaintiff (Landlord or Agent)
v.

Defendant (Tenant or Occupant)

Case No: _____

**RESIDENTIAL EVICTION
COMPLAINT**

Filing fee at [ORS 105.120](#)

PLAINTIFF-LANDLORD: **DEFENDANT-TENANT:**

Name	Name
Name	Name
Street	Street (do not use a P.O. Box)
City / State / ZIP	City / State / ZIP
Phone County	Phone County

1. Defendant-Tenants are in possession of the dwelling unit, premises, or rental property described above or located at:

Street	City	State	ZIP
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2. IF NOTICE HAS BEEN GIVEN, A COPY IS ATTACHED

3. Plaintiff-Landlord is entitled to possession of the property because of:

☐ 24-hour notice for **personal injury, substantial damage, extremely outrageous act, or unlawful occupant.** ([ORS 90.360 or 90.403](#))

☐ 24-hour or 48-hour notice for **violation of a drug or alcohol program.** ([ORS 90.368](#))

☐ 24-hour notice for **perpetrating domestic violence, sexual assault or stalking.**

EVICTIION PROCESS TIMELINE (SAMPLE MONTH NOV 2023)

- First Appearance hearing (December 4th): Scheduled at least 15 days from filing of Complaint. If Tenant misses court, default judgment is entered and case moves to lockout phase. At FA, most tenants sign a court agreement to move, to pay, or to engage in particular conduct.
- If no agreement is reached at FA, the case is set for trial. Tenant must file an Answer by the end of the day.
- Right to redeem: Tenant can still pay what is owed in the nonpayment notice and get the case dismissed.
- Resources: Try 211 and EDP, but likelihood of getting help is lower after the process has started. Also, OSB for private atty.



EVICTION PROCESS TIMELINE (SAMPLE MONTH NOV 2023)

- Trial (December 19th): Scheduled 15-30 days from First Appearance. OLC data show that the party with a lawyer is most likely to win at trial. If both parties have a lawyer, tenant is more likely to win.
- Right to redeem: Trial is the last chance for Tenant to pay what is owed in the Notice and get the case dismissed.
- Resources: Try 211 and EDP, but likelihood of getting help is lower late in the process. Also, OSB for private atty.



EVICTION PROCESS TIMELINE (SAMPLE MONTH NOV 2023)

- Lockout (December 23rd): If Tenant loses at trial, the court issues a Notice of Restitution, which gives the tenant 4 days to vacate, after which the landlord can get an order to give to the Sheriff to lock out.
- Resources: 211 for homelessness mitigation resources (e.g., shelter, etc.)



Is your landlord taking you to eviction court?

GET FAST AND FREE LEGAL HELP
FROM LEGAL AID'S NEW
EVICTIION DEFENSE PROJECT



CALL

888-585-9638

OR



EMAIL

EVICTIIONDEFENSE@OREGONLAWCENTER.ORG

Have your case number and appearance date ready.

Note:

Tenants in Multnomah County can access EDP help if they get a termination notice from their landlord, even if no court case yet

Limited rent assistance referrals available

FOR MORE INFORMATION

- Know-your-rights info: [Oregonrentersrights.org](https://oregonrentersrights.org)
- Eviction Defense Project:
<https://oregonlawcenter.org/eviction-defense-project/>
- Becky Straus, Managing Attorney, Oregon Law Center, Eviction Defense Project bstraus@oregonlawcenter.org

