

House Bill 2461

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Judiciary for Oregon State Bar Military and Veterans Law Section)

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**.

Creates temporary stay of eviction for certain low-income veterans.

Directs Department of Veterans' Affairs to maintain referral list of veterans' benefit programs that assist low income veterans in improving housing stability.

Directs circuit courts to report to Oregon Criminal Justice Commission annually regarding veteran evictions.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to veterans; and prescribing an effective date.

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

4 **SECTION 1. Sections 2 and 3 of this 2019 Act are added to and made a part of ORS 105.105**
5 **to 105.168.**

6 **SECTION 2. (1) As used in this section:**

7 (a) "Armed forces" means:

8 (A) The Army, Navy, Marine Corps, Air Force and Coast Guard of the United States;

9 (B) The reserve components of the Army, Navy, Marine Corps, Air Force and Coast
10 Guard of the United States; and

11 (C) The Army National Guard and Air National Guard.

12 (b) "County veterans' service officer" means a county veterans' service officer appointed
13 under ORS 408.410.

14 (c) "Veteran" means a person who served in the armed forces and was discharged or
15 released under conditions other than dishonorable.

16 (2) In an action for nonpayment of rent under ORS 105.110, the court may stay the
17 eviction of the defendant as provided in subsection (3) of this section only if:

18 (a) The defendant, or the spouse of the defendant, is a veteran;

19 (b) The agreed-upon rent does not exceed \$2,400 per month; and

20 (c) The premises are occupied chiefly for dwelling purposes by the defendant.

21 (3)(a) If the defendant claims to be a veteran at the defendant's initial appearance in the
22 action, the court may stay the eviction of the defendant for up to three judicial days during
23 which time the defendant shall produce documentation supporting the defendant's veteran
24 status.

25 (b)(A) If the defendant produces documentation supporting the defendant's veteran sta-
26 tus not more than three judicial days following the date of the defendant's first appearance
27 in the action, the court may stay the eviction of the defendant for up to an additional 14
28 days.

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 (B) If the court stays the defendant's eviction under this paragraph, the court shall no-
 2 tify the defendant that the defendant may be eligible for veterans' benefit programs for low
 3 income housing stability and provide the defendant with contact information for the county
 4 veterans' service officer in the county of the dwelling.

5 (4) If the defendant cures the nonpayment notice by paying all delinquent rent before
 6 trial, the court shall dismiss the action without costs to either party.

7 **SECTION 3.** (1) Each court in which an action under ORS 105.110 may be filed shall re-
 8 port to the Oregon Criminal Justice Commission, no later than July 1 of each year, the fre-
 9 quency with which:

10 (a) A defendant asserts veteran status under section 2 of this 2019 Act; and

11 (b) The court grants veteran defendants a stay of eviction under section 2 of this 2019
 12 Act.

13 (2) The commission shall develop by rule the form for reporting the veteran eviction
 14 statistics under this section. In addition to the information identified in subsection (1) of this
 15 section, the form must include:

16 (a) Relevant military service data about the veteran;

17 (b) Unless a veteran indicates an objection to reporting the information, the gender,
 18 gender identity, sexual orientation and race and ethnic information about the veteran;

19 (c) The pertinent factual background leading to the eviction proceeding; and

20 (d) The disposition of the action.

21 (3) The report under this section may not include personally identifiable information.

22 **SECTION 4.** (1) As used in this section:

23 (a) "County veterans' service officer" means a county veterans' service officer appointed
 24 under ORS 408.410.

25 (b) "Veteran" has the meaning given that term in section 2 of this 2019 Act.

26 (2) The Department of Veterans' Affairs shall prepare written material, in print or elec-
 27 tronic form, identifying veterans' benefit programs for low income housing stability in each
 28 county to which veterans may be referred.

29 (3) The department shall make the material described in subsection (2) of this section
 30 available on a website maintained by the department and shall also provide the material to
 31 the following entities for distribution to veterans:

32 (a) County veterans' service officers;

33 (b) Each court in which an action under ORS 105.110 may be filed; and

34 (c) Any veterans' organizations identified by the department.

35 (4) The department shall provide annual training to county veterans' service officers re-
 36 garding the referral of veterans to veterans' benefit programs for low income housing sta-
 37 bility in each county.

38 **SECTION 5.** (1) Sections 1 to 4 of this 2019 Act become operative on January 1, 2020.

39 (2) The Oregon Criminal Justice Commission and the Department of Veterans' Affairs
 40 may take any action before the operative date specified in subsection (1) of this section that
 41 is necessary to enable the commission and the department to exercise, on and after the op-
 42 erative date specified in subsection (1) of this section, all the duties, functions and powers
 43 conferred on the commission and the department by sections 1 to 4 of this 2019 Act.

44 **SECTION 6.** This 2019 Act takes effect on the 91st day after the date on which the 2019
 45 regular session of the Eightieth Legislative Assembly adjourns sine die.

