

House Bill 3111

Sponsored by Representative EVANS (Pre-session filed.)

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**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: This Act requires OHCS to make a mediation program for all evictions. (Flesch Readability Score: 60.7).

Requires the Housing and Community Services Department to establish an eviction mediation program. Requires residential landlords to provide information about the program in termination notices. Requires parties to eviction to participate in the program. Amends eviction mediation and settlement procedures. Becomes operative on July 1, 2026.

Appropriates moneys to the department for the program.

Allows tenants to use nonattorneys in eviction proceedings and allows the prevailing party to recover nonattorney costs.

Takes effect on the 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to evictions; creating new provisions; amending ORS 90.255, 90.391, 105.113, 105.130,
3 105.135, 105.137, 105.145, 105.146, 105.148, 105.163 and 105.164; and prescribing an effective date.

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

5 **SECTION 1. Eviction mediation program.** (1) **As used in sections 1 to 3 of this 2025 Act:**

6 (a) **"Eviction" means a claim for possession of real property arising under ORS 105.110.**

7 (b) **"Eviction mediation program" or "program" means the program described in sections**
8 **1 to 3 of this 2025 Act.**

9 (c) **"First appearance" means a first appearance as described in ORS 105.137.**

10 (d) **"Good faith" means honesty in fact in the conduct of mediation, including possessing**
11 **the full authority to negotiate and enter a settlement agreement and conformance to any**
12 **other reasonable requirements imposed by a court or mediator.**

13 (2) **The Housing and Community Services Department shall establish an eviction medi-**
14 **ation program as described in sections 1 to 3 of this 2025 Act.**

15 (3) **The purpose of the program is to facilitate the rapid and low-cost resolution of**
16 **eviction matters and to provide independent, impartial and speedy mediations to landlords**
17 **and tenants.**

18 (4) **Under the program, the department shall establish a mandatory court-connected**
19 **eviction mediation program for each circuit and justice court that hears evictions.**

20 (5) **Notwithstanding ORS 36.185, at the first appearance or at any time before an eviction**
21 **trial, the court shall refer the parties to the eviction mediation program.**

22 (6) **Under the program, the department shall employ mediators and provide the mediators**
23 **with initial and ongoing education and training that covers topics including mediation strat-**
24 **egies, professionalism, confidentiality and landlord-tenant law.**

25 (7) **The department may:**

26 (a) **Adopt rules implementing sections 1 to 3 of this 2025 Act; and**

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) Contract with third parties to develop, support and implement the program.

2 **SECTION 2. Mediator qualifications.** (1) To serve as a mediator under the eviction medi-
3 ation program, a mediator must:

4 (a) Complete any training required by the Housing and Community Services Department;

5 (b) Demonstrate to the satisfaction of the department an understanding of court-
6 connected mediations;

7 (c) Meet the qualifications of, and be approved by, each circuit court in which the
8 mediator operates;

9 (d) Have mediated at least 35 cases in which a mediated agreement was reached, includ-
10 ing at least 25 cases with one or more self-represented parties;

11 (e) Have at least 200 hours of mediation experience; and

12 (f) Have observed at least five first appearances, five eviction mediations and five eviction
13 trials.

14 (2) Except as otherwise provided in sections 1 to 3 of this 2025 Act, ORS 36.185 to 36.210
15 and 36.220 to 36.238 and the rules of the circuit courts of this state related to medication
16 apply to mediators and mediations in the program.

17 **SECTION 3. Mediation and court eviction process.** (1) Mediations conducted under the
18 eviction mediation program:

19 (a) Must take place in person whenever possible.

20 (b) Must be conducted as near as practicable in time and location to any first appearance,
21 including inside the courthouse whenever possible.

22 (c) May be conducted outside of court hours only at the mediators' discretion.

23 (d) Must allow a party to designate any person, including a non-attorney, to represent
24 the interests of the party with the full authority to bind the party.

25 (e) May not require a payment of fees by any party or court.

26 (f) Must allow the attendance or participation of the Department of Veterans' Affairs,
27 Oregon Health Authority or Housing and Community Services Department under sections 4,
28 5 or 6 of this 2025 Act or other public bodies, as defined in ORS 174.109, or nonprofit organ-
29 izations that may be able to provide tenant benefits or assistance.

30 (2) The mediator shall:

31 (a) Attempt to get the parties to reach a settlement agreement; and

32 (b) Report the outcome of the mediation upon reaching a settlement agreement or upon
33 finding that the parties cannot reasonably reach an agreement, including because one or
34 more of the parties is not participating in the mediation in good faith.

35 (3) Notwithstanding any confidentiality requirement of the mediator, if an eviction claim
36 has been filed with a court, the mediator shall:

37 (a) Notify the court of the basis of any dismissal or settlement; or

38 (b) If the parties have settled the matter, prepare a written settlement agreement and
39 provide the agreement to the court for entry of a judgment or order under section 8 (2) of
40 this 2025 Act.

41 (4) Notwithstanding any confidentiality requirement or rule of professional conduct that
42 otherwise may apply, a judge and mediator may communicate candidly together about cases
43 and state on the record the facts or reasons supporting the resolution of a case.

44 (5) The court shall, under ORS 105.137:

45 (a) Dismiss a complaint brought by a landlord if the court finds that the landlord did not

1 participate in mediation in good faith; or

2 (b) Enter a default judgment against a tenant if the court finds that the tenant did not
3 participate in mediation in good faith.

4 (6) A judge or mediator may continue a mediation for a reasonable period not to exceed
5 seven days, or longer pursuant to stipulation of the parties, during which time any disputes
6 arising under the agreement must be first referred to the mediator for further mediation
7 under this section.

8 **SECTION 4.** The Department of Veterans' Affairs shall make available a representative
9 from the department during mediations operated under the eviction mediation program un-
10 der sections 1 to 3 of this 2025 Act for the purposes of connecting tenants to available ben-
11 efits or resources provided by the department. The representative must be available in
12 person whenever practicable, or may be available electronically or by phone.

13 **SECTION 5.** The Oregon Health Authority shall make available a representative from the
14 authority during mediations operated under the eviction mediation program under sections
15 1 to 3 of this 2025 Act for the purposes of connecting tenants to available benefits or re-
16 sources provided by the authority. The representative must be available in person whenever
17 practicable, or may be available electronically or by phone.

18 **SECTION 6.** The Housing and Community Services Department shall make available a
19 representative from the department during mediations operated under the eviction mediation
20 program under sections 1 to 3 of this 2025 Act for the purposes of connecting tenants to
21 available benefits or resources provided by the department. The representative must be
22 available in person whenever practicable, or may be available electronically or by phone.

23 **SECTION 7.** Section 8 of this 2025 Act is added to and made a part of ORS 105.105 to
24 105.168.

25 **SECTION 8. Court entry of settlement of eviction claim.** (1) Prior to the close of trial,
26 the parties may enter into a settlement agreement, including an agreement facilitated
27 through the eviction mediation program under sections 1 to 3 of this 2025 Act or other me-
28 diation programs.

29 (2) Upon receipt of a settlement agreement or other notice of settlement from the parties
30 or a mediator, the court may either:

31 (a) Enter a judgment dismissing the matter and including any money award or award of
32 costs, disbursements or attorney fees described in the agreement; or

33 (b) Enter an order incorporating a written settlement agreement or the essential terms
34 of an oral settlement agreement and retaining jurisdiction over the matter for the period
35 no longer than the lesser of:

36 (A) The time necessary or reasonable to implement the agreement to the extent that it
37 deviates from the rental agreement; or

38 (B) Twelve months.

39 (3) The court shall enter a judgment of dismissal in favor of the defendant, without an
40 award of costs or fees to either party, following the termination of the court's jurisdiction
41 under subsection (2)(b) of this section unless an affidavit of noncompliance, as described in
42 ORS 105.146, is pending before the court.

43 **SECTION 9.** ORS 90.391 is amended to read:

44 90.391. [*Except as provided in ORS 408.515 (3),*] A notice of termination of tenancy under any
45 provision of this chapter must include:

1 (1) The information required by ORS 408.515; and

2 (2) **Information on the eviction mediation program under sections 1 to 3 of this 2025 Act**
3 **substantially in the form provided by the Housing and Community Services Department by**
4 **rule.**

5 **SECTION 10.** ORS 105.146 is amended to read:

6 105.146. (1) In an action to recover possession of the premises, if the court has entered an order
7 by stipulation that provides for the defendant to retain possession of the premises contingent upon
8 the defendant's performance or payment of moneys by a certain date as provided under [ORS 105.145
9 (2)] **section 8 (2)(b) of this 2025 Act**, and the defendant fails to comply with the order, the plaintiff
10 may obtain and enforce a judgment of restitution of the premises pursuant to this section and ORS
11 105.148 and 105.149.

12 (2) A plaintiff may obtain and enforce a judgment of restitution based upon [*an order entered as*
13 *provided under ORS 105.145 (2), provided the order includes only*] **the defendant's noncompliance**
14 **with a judgment or order under section 8 (2) of this 2025 Act, only if the judgment or order**
15 **provides:**

16 (a) **The defendant's** future performance or conduct [*as described in the order*] for a period of
17 not more than six months following entry of the order;

18 (b) Payment [*of past due rent and other past due*] **by the defendant of past due rent, attorney**
19 **fees, costs or specified** amounts pursuant to a schedule [*provided in the order for*] **over** a period
20 of not more than [*six*] **12** months following entry of the order;

21 (c) Payment of rent due for [*future rental periods that follow entry of the order pursuant to a*
22 *schedule provided in the order for not more than*] the first three monthly rental periods following
23 entry of the order **pursuant to a schedule**; [*and*]

24 [(*d*) *Payment of any costs, disbursements or attorney fees pursuant to a schedule provided in the*
25 *order.*]

26 **(d) That the defendant voluntarily deliver possession to the plaintiff by a specified date**
27 **and time; or**

28 **(e) That a court may award costs, disbursements, prevailing party fees or attorney fees**
29 **based on a defendant's noncompliance with the judgment or order.**

30 [(3) *The order shall contain a statement providing that 12 months following the entry of the order,*
31 *the court shall automatically dismiss the order without further notice to either the plaintiff or the de-*
32 *fendant.*]

33 [(4)] **(3)** If the defendant fails to comply with the order, the plaintiff may file with the clerk of
34 the court an affidavit or declaration of noncompliance describing how the defendant has failed to
35 comply. The plaintiff shall attach a copy of the order to the affidavit or declaration. The affidavit
36 or declaration, or the order, must include the terms of the underlying settlement agreement or
37 stipulation or have a copy of the agreement attached.

38 [(5)] **(4)** Upon receipt of a plaintiff's affidavit or declaration:

39 (a) The court shall enter a judgment of restitution; and

40 (b) The clerk shall issue a notice of restitution as provided by ORS 105.151 and attach to the
41 notice a copy of the plaintiff's affidavit or declaration of noncompliance and any attachments for
42 service.

43 [(6)] **(5)** The court shall establish a procedure that allows the defendant to request a hearing
44 on the plaintiff's affidavit or declaration of noncompliance and delay expiration of the notice of
45 restitution period or execution upon a judgment of restitution pending the hearing.

1 **(6) If a plaintiff does not comply with an order entered under section 8 (2) of this 2025**
 2 **Act, as appropriate to enforce the terms of the order or settlement agreement, a defendant**
 3 **may obtain a judgment of dismissal, money award or award of costs, disbursements, pre-**
 4 **vailing party fees or attorney fees.**

5 *[(7) The court shall enter a judgment dismissing the plaintiff's action in favor of the defendant*
 6 *without assessment of costs, disbursements, prevailing party fee or attorney fees against either party*
 7 *except as provided in the order and without further notice to either party:]*

8 *[(a) Upon receipt of a writing signed by the plaintiff showing compliance with or satisfaction of the*
 9 *order; or]*

10 *[(b) Twelve months following entry of the order, unless the plaintiff has filed an affidavit or dec-*
 11 *laration of noncompliance and the court has found in favor of the plaintiff on the affidavit or declara-*
 12 *tion.]*

13 **SECTION 11.** ORS 105.137 is amended to read:

14 105.137. *[In the case of a dwelling unit to which ORS chapter 90 applies:]* **In an action for**
 15 **possession of real property under ORS 105.110:**

16 (1) A default judgment shall be entered in favor of the plaintiff for possession of the premises
 17 and costs and disbursements only if:

18 (a) The plaintiff appears and the defendant fails to appear at the first appearance **or has failed**
 19 **to participate in good faith in mediation under section 3 (2) of this 2025 Act;**

20 (b) The court determines that the complaint complies with ORS 105.115 and 105.124 and is suf-
 21 ficient to state a cause of action for possession; and

22 (c) The plaintiff testifies under oath or submits an affidavit or declaration under penalty of
 23 perjury stating that, as of the date of the testimony:

24 (A) The plaintiff does not have knowledge that the defendant has delivered possession to the
 25 plaintiff as described in ORS 90.147 (2); and

26 (B) The plaintiff reasonably believes that the defendant remains in possession of the premises.

27 (2) If the defendant appears and the plaintiff fails to appear at the first appearance **or has failed**
 28 **to participate in good faith in mediation under section 3 (2) of this 2025 Act,** a default judgment
 29 shall be entered in favor of the defendant dismissing the plaintiff's complaint and awarding costs and
 30 disbursements.

31 (3) An attorney at law shall be entitled to appear on behalf of any party, but attorney fees may
 32 not be awarded to the plaintiff if the defendant does not contest the action.

33 (4) If the plaintiff dismisses the action before the first appearance, a judgment of dismissal shall
 34 be entered in favor of the defendant dismissing the plaintiff's complaint and awarding costs and
 35 disbursements. The defendant may not recover attorney fees for prejudgment legal services provided
 36 after the delivery of written notice of the dismissal by the plaintiff to the defendant, or to an at-
 37 torney for the defendant, in the manner provided under ORS 90.155.

38 (5) The plaintiff or an agent of the plaintiff may obtain a continuance of the action for as long
 39 as the plaintiff or the agent of the plaintiff *[deems necessary to obtain the services of an attorney at*
 40 *law].*

41 (6) If both parties appear *[in court on the date contained in the summons, the court shall]* **at the**
 42 **first appearance, the court may:**

43 **(a) Continue the first appearance for up to seven days for the purpose of completing**
 44 **mediation made available under section 3 of this 2025 Act;**

45 **(b) Enter any order or judgment under section 8 (2) of this 2025 Act; or**

1 (c) If mediation is unavailable or has been completed without resolution, set the matter for
2 trial [unless the court is advised by the parties that the matter has been settled]. The trial shall be
3 scheduled:

4 [(a)] (A) For a claim based on nonpayment, as defined in ORS 90.395, no earlier than 15 days,
5 and no later than 30 days, following the [appearance] date that mediation was concluded; or

6 [(b)] (B) For any other claim, as soon as practicable and no later than 15 days [from the date
7 of the appearance] following the date that mediation was concluded.

8 (7)(a) A court that continues the first appearance under subsection (6)(a) of this section
9 shall enter an order requiring that the tenant pay to the landlord the prorated amount of
10 rent attributable to the continuance, which the landlord may accept as rent without consti-
11 tuting waiver of the termination of the tenancy, including under ORS 90.412.

12 [(7)] (b) If the matter is not tried within the period described in subsection (6)(c) of this section,
13 and the delay in trial is not attributable to the landlord, the court shall order the defendant to pay
14 rent that is accruing into court, provided the court finds after hearing that entry of such an order
15 is just and equitable.

16 (8)(a) A defendant shall file an answer and serve a copy upon the plaintiff by the end of
17 the judicial day next following the day mediation was concluded.

18 [(8)(a)] (b) The court shall permit an unrepresented defendant to proceed to trial by directing
19 the defendant to, by the end of the judicial day next following the day on which mediation was
20 concluded, file an answer in writing [on a form which shall be available from the court clerk,] and
21 to serve a copy upon the plaintiff [on the same day as first appearance].

22 [(b)] (c) The answer [shall be] to a claim brought under ORS chapter 90 by an unrepre-
23 sented defendant must be made in substantially the following form:

24 _____

25
26 IN THE _____ COURT FOR
27 THE COUNTY OF _____

28
29 (Landlord),)
30)
31 Plaintiff(s),)
32)
33 vs.) No. _____
34)
35 (Tenant),)
36)
37 Defendant(s).)

38
39 ANSWER

40 I (we) deny that the plaintiff(s) is (are) entitled to possession because:

41 ___ The landlord did not make repairs.

42 List any repair problems: _____

43 _____

44 _____

45 ___ The landlord is attempting to evict me (us) because of my (our) complaints (or the eviction is

1 otherwise retaliatory).

2 — The landlord is attempting to evict me because of my status as a victim of domestic violence,
3 sexual assault, bias crime or stalking.

4 — The eviction notice is wrong.

5 — List any other defenses: _____

6 _____
7 _____
8 _____
9 _____

10 I (we) may be entitled as the prevailing party to recover attorney fees from plaintiff(s) if I (we)
11 obtain legal services to defend this action pursuant to ORS 90.255.

12 I (we) ask that the plaintiff(s) not be awarded possession of the premises and that I (we) be
13 awarded my (our) costs and disbursements and attorney fees, if applicable, or a prevailing party fee.

14 _____
15 _____
16 Date Signature of defendant(s)

17 _____

18
19 **(d) The court clerk shall make available a copy of the form described in paragraph (c)**
20 **of this subsection to an unrepresented defendant.**

21 (9) If an unrepresented defendant files an answer as provided in subsection (8) of this section,
22 the answer does not limit the defenses available to the defendant at trial under ORS chapter 90.
23 If such a defendant seeks to assert at trial a defense not fairly raised by the answer, the plaintiff
24 is entitled to a reasonable continuance for the purposes of preparing to meet the defense.

25 **SECTION 12.** ORS 105.113 is amended to read:

26 105.113. (1) Notwithstanding ORCP 7, for premises to which ORS chapter 90 or ORS 91.120 ap-
27 plies, the summons must be in substantially the following form and be available from the court clerk:

28 _____

29
30 IN THE CIRCUIT COURT
31 FOR THE COUNTY OF

32 _____
33 No. _____

34
35 SUMMONS
36 RESIDENTIAL EVICTION

37
38 PLAINTIFF (Landlord or agent):

39 _____
40 _____
41 _____
42 _____

43
44 vs.
45

1 DEFENDANT (Tenants/Occupants):

2 _____

3 _____

4 TO: _____ (Street address and city of property occupied by defendant)

5 _____ (Mailing address if different)

6
7
8
9
10 NOTICE TO TENANTS:
11 READ THESE PAPERS CAREFULLY
12 YOUR LANDLORD WANTS TO
13 EVICT YOU

14
15 ON _____, 2_____ AT _____ A.M./P.M., you must come to the County Court House
16 located at _____. You do not have to pay any fees to the court for this first hearing.

17
18 • If you do not appear in court and your landlord does, your landlord will win automatically and
19 can have the Sheriff physically remove you.

20
21 • If you do show up in court and your landlord does not, this eviction action will be dropped.

22
23 • If both of you show up:

24
25 • *[The judge may ask you to try to reach an agreement with your landlord, but this is volun-*
26 *tary. Trained mediators may be available free of charge to help resolve disputes.]* **If you have**
27 **not already participated in mediation, you will be assigned a trained mediator to help**
28 **you and your landlord reach an agreement.**

29
30 • The court will schedule a trial if you and your landlord do not reach an agreement *[or if*
31 *you do not agree to move out].*

32
33 IF YOU WANT A TRIAL, YOU MUST:

34
35 • Show up in court at the time scheduled above;

36
37 • On the same day, file an Answer with the Court giving a legal reason why you should not be
38 evicted (the Court can give you a form);

39
40 • Give a copy of the Answer to your landlord (or your landlord's agent or attorney); and

41
42 • Pay a filing fee of \$_____ (the judge may allow payment to be deferred in certain circum-
43 stances).

44
45 IF YOU HAVE QUESTIONS, YOU SHOULD SEE AN ATTORNEY IMMEDIATELY. If you need

1 help finding an attorney, you can contact the Oregon State Bar's Lawyer Referral Service online
2 at _____ (current website) or by calling _____ (current phone num-
3 bers).

4
5
6 _____
7 Signature of Plaintiff (landlord or agent)

8
9 Plaintiff's address:

10 _____
11 _____
12 _____
13 _____

14
15 Plaintiff's telephone number: _____
16
17
18 _____
19

20 (2) Except as provided in ORS 408.515 (3), the information required under ORS 408.515 must be
21 included with the summons.

22 **SECTION 13.** ORS 105.135 is amended to read:

23 105.135. (1) Except as provided in this section, the summons shall be served and returned as in
24 other actions.

25 (2)(a) The clerk shall calculate the first appearance, which shall be:

26 (A) Seven days after the judicial day next following payment of the filing fees; or

27 (B) If the claim for possession is brought under ORS 90.392 or 90.394 for nonpayment as defined
28 in ORS 90.395, 15 days after the judicial day next following payment of the filing fees.

29 (b) The clerk may delay the first appearance by up to seven days to accommodate dates on
30 which a judge is unavailable to conduct the first appearance and, if possible, to accommodate dates
31 that the plaintiff has indicated unavailability.

32 (c) The clerk shall enter the first appearance date on the summons.

33 (d) If the claim for possession is based on nonpayment as defined in ORS 90.395, the clerk shall
34 include as part of the summons a copy of the notice described in ORS 105.136.

35 (3) Notwithstanding ORCP 10, by the end of the judicial day next following the payment of filing
36 fees:

37 (a) The clerk shall mail the summons and complaint by first class mail to the defendant at the
38 premises.

39 (b) The process server shall serve the defendant with the summons and complaint at the prem-
40 ises by personal delivery to the defendant or, if the defendant is not available for service, by at-
41 taching the summons and complaint in a secure manner to the main entrance to that portion of the
42 premises of which the defendant has possession.

43 (4) A sheriff may serve a facsimile of a summons and complaint that is transmitted to the sheriff
44 by a trial court administrator or another sheriff by means of facsimile communication. A copy of the
45 facsimile must be attached to the sheriff's return of service. Before transmitting a summons and

1 complaint to a sheriff under this subsection, the person sending the facsimile must receive confir-
 2 mation by telephone from the sheriff's office that a telephonic facsimile communication device is
 3 available and operating.

4 (5) The process server shall indicate the manner in which service was accomplished by promptly
 5 filing with the clerk a certificate of service as provided by ORCP 7 F(2)(a).

6 (6) *[In the case of premises to which ORS chapter 90 applies,]* The summons shall inform the de-
 7 fendant of the procedures, rights and responsibilities of the parties as specified in ORS 105.137.

8 **SECTION 14.** ORS 105.145 is amended to read:

9 105.145. (1) If an action **for possession of real property under ORS 105.110** is tried by the
 10 court *[without a jury,]* and after hearing the evidence the court **or jury** concludes that the complaint
 11 is not true, the court shall enter judgment against the plaintiff for costs and disbursements. If *[the*
 12 *court finds]* the complaint **is found** true or if judgment is rendered by default, the court shall render
 13 a general judgment against the defendant and in favor of the plaintiff, for restitution of the premises
 14 and the costs and disbursements of the action. If the *[court finds the]* complaint **is found** true in
 15 part, the court shall render judgment for the restitution of such part only, and the costs and dis-
 16 bursements shall be taxed as the court deems just and equitable.

17 **(2) Notwithstanding ORS 14.250 to 14.270, a judge may not be disqualified from trying an**
 18 **action under this section solely based on the judge's role in presiding over the first appear-**
 19 **ance, mediation or other pretrial settlement matters associated with the action.**

20 *[(2) If, as a result of a court-sponsored or other mediation or otherwise, the plaintiff and defendant*
 21 *agree, in the manner provided by ORCP 67 F for judgment by stipulation, that the defendant shall*
 22 *perform in a certain manner or that the plaintiff shall be paid moneys agreed to be owing by the de-*
 23 *fendant and that as a result of that performance or payment the defendant shall retain possession of*
 24 *the premises, including retention of possession contingent upon that performance or payment of moneys*
 25 *by the defendant by a certain date, the court shall enter an order or judgment to that effect. In addition,*
 26 *if the plaintiff and defendant agree that the plaintiff shall perform in a certain manner or pay moneys*
 27 *to the defendant by a certain date, the court shall enter an order or judgment to that effect.]*

28 *[(3) If, as provided by subsection (2) of this section, the parties enter an order or judgment by*
 29 *stipulation that requires the defendant to perform in a certain manner or make a payment by a certain*
 30 *date and the defendant later demonstrates compliance with the stipulation, the court shall enter a*
 31 *judgment of dismissal in favor of the defendant.]*

32 **SECTION 15.** ORS 105.148 is amended to read:

33 105.148. (1)(a) To contest a plaintiff's affidavit or declaration of noncompliance under ORS
 34 105.146 and delay expiration of the notice of restitution period or execution upon the judgment of
 35 restitution, a defendant shall file a request for hearing with the clerk of the court. The request must
 36 be filed prior to issuance by the clerk of a writ of execution of judgment of restitution and must
 37 include a statement by the defendant describing how the defendant complied with the order or de-
 38 scribing why the defendant should not be required to comply.

39 (b) A court may, as part of the procedure authorized by ORS 105.146 ~~[(6)]~~ **(5)**, require that a
 40 defendant submit a hearing request to the court for ex parte review prior to the defendant's filing
 41 the request with the clerk. If the court provides for ex parte review, the ex parte review must be
 42 available every judicial day for appearance by the defendant before the court within the time period
 43 between service of the notice of restitution and the date of expiration of the notice of restitution.
 44 The notice of restitution must include or have attached to it a description of the requirements for
 45 appearing before the court for ex parte review and a copy of the hearing request form. The court

1 may not require that the defendant notify the plaintiff of the defendant's intention to appear before
2 the court. If, after hearing the defendant at the ex parte review, the court finds that the reasons
3 given by the defendant for opposing the plaintiff's affidavit or declaration of noncompliance do not
4 relate to the issues listed in ORS 105.149 (2), the court shall deny the request for a hearing.

5 (2) The clerk shall make available a document providing for a request for hearing by a defend-
6 ant. The document must be in substantially the following form:

7 _____
8
9 IN THE CIRCUIT COURT
10 FOR THE COUNTY OF
11 _____

12
13 Defendant's Request for Hearing to
14 Contest an Affidavit or Declaration
15 of Noncompliance
16 Case No. _____
17

18 Landlord or agent (Plaintiff):

19
20 _____

21
22 vs.

23
24 Tenant/Occupant (Defendant):

25
26 _____

27
28 Address of Property:

29
30 _____

31
32 _____
33

34 1. My landlord has filed a statement with the court saying that I have not complied with a
35 court-approved agreement and that as a result my landlord is entitled to possession of the property.

36 2. I deny the landlord is entitled to possession of the property because (The reason must be one
37 of the following. You must check one or more of these responses and you must explain in section
38 3.):

39 _____ a. The landlord is wrong. As explained below, I did comply with the agreement.

40 _____ b. Before I could comply with the agreement, the landlord was supposed to do what is
41 explained below, which the landlord did not do.

42 _____ c. The landlord and I changed the agreement and I complied with the agreement as
43 changed. The change we agreed to is explained below.

44 _____ d. The landlord prevented me from keeping the agreement. The way the landlord did
45 that is explained below.

1 _____ e. The agreement was not made in good faith as required by ORS 90.130. The lack of
2 good faith is explained below.

3 _____ f. The portion of the agreement described below was unconscionable as described in
4 ORS 90.135.

5 _____ g. The landlord is required by law or contract to have good cause to force me to move
6 out and my alleged conduct or performance does not meet the standard of good cause, as explained
7 below.

8 _____ h. The landlord is claiming I did not pay rent for a period of time following the date
9 of the agreement. I did not pay that rent because I have claims for money against the landlord to
10 offset the rent. Those claims arise from the landlord's violation of the Residential Landlord and
11 Tenant Act or the rental agreement since the date of the court order and are explained below.

12 3. Here is my explanation for the reason or reasons checked above:

13 _____
14 _____
15 _____
16 _____
17 _____
18 _____

19 4. I understand that if I lose in court, I may be responsible for the landlord's costs, disburse-
20 ments, any attorney fees and a prevailing party fee.

21 I hereby declare that the above statement is true to the best of my knowledge and belief, and
22 that I understand it is made for use as evidence in court and is subject to penalty for perjury.

23 _____
24 _____
25 (Signature of tenant)

26 Date: _____
27 _____
28 _____
29 _____

30 (3) As an alternative to the document described in subsection (2) of this section, a defendant
31 may request a hearing by use of a notarized affidavit.

32 **SECTION 16.** ORS 105.163 is amended to read:

33 105.163. (1) A person who was a defendant in an action under ORS 105.100 to 105.168 may apply
34 by motion to the court where the judgment was entered for an order setting aside the judgment and
35 sealing the official records of the action pertaining to the applicant. The court shall grant the mo-
36 tion if the court finds that:

37 (a) The judgment was a judgment of restitution entered against the applicant, the applicant has
38 satisfied any money award included in the judgment and:

39 (A) At least five years have passed from the date of the judgment; or

40 (B) The judgment was based on claims that arose on or after April 1, 2020, and before March
41 1, 2022; **or**

42 [(b) *The judgment was a judgment by stipulation of the parties under ORS 105.145 (2) and the*
43 *applicant has complied with the terms of the stipulated agreement and satisfied any money award in-*
44 *cluded in the judgment; or]*

45 [(c)] (b) The judgment was a judgment [*or judgment of dismissal*] entered in the applicant's favor.

1 (2) The applicant shall serve a copy of the motion filed under subsection (1) of this section upon
 2 the person who was the plaintiff in the action under ORS 105.100 to 105.168. Within 30 days of ser-
 3 vice of the motion, if a written objection is filed, the court shall schedule a hearing.

4 (3) If, under subsection (2) of this section, no objection is filed or after a hearing the court de-
 5 termines that the applicant is eligible for relief under subsection (1) of this section, the court shall
 6 enter an appropriate order setting aside the judgment and sealing the official records of the action
 7 pertaining to the applicant. Upon entry of the order, the judgment that is the subject of the motion
 8 shall be deemed not to have been entered, and the applicant may answer accordingly any questions
 9 relating to its occurrence.

10 (4) The court may not charge a filing fee for the filing of a motion under subsection (1) of this
 11 section.

12 **SECTION 17.** ORS 105.163, as amended by section 11, chapter 39, Oregon Laws 2021, is
 13 amended to read:

14 105.163. (1) A person who was a defendant in an action under ORS 105.100 to 105.168 may apply
 15 by motion to the court where the judgment was entered for an order setting aside the judgment and
 16 sealing the official records of the action pertaining to the applicant. The court shall grant the mo-
 17 tion if the court finds that:

18 (a) The judgment was a judgment of restitution entered against the applicant, the applicant has
 19 satisfied any money award included in the judgment and at least five years have passed from the
 20 date of the judgment; **or**

21 *[(b) The judgment was a judgment by stipulation of the parties under ORS 105.145 (2) and the*
 22 *applicant has complied with the terms of the stipulated agreement and satisfied any money award in-*
 23 *cluded in the judgment; or]*

24 *[(c)]* (b) The judgment was a judgment or judgment of dismissal entered in the applicant's favor.

25 (2) The applicant shall serve a copy of the motion filed under subsection (1) of this section upon
 26 the person who was the plaintiff in the action under ORS 105.100 to 105.168. Within 30 days of ser-
 27 vice of the motion, if a written objection is filed, the court shall schedule a hearing.

28 (3) If, under subsection (2) of this section, no objection is filed or after a hearing the court de-
 29 termines that the applicant is eligible for relief under subsection (1) of this section, the court shall
 30 enter an appropriate order setting aside the judgment and sealing the official records of the action
 31 pertaining to the applicant. Upon entry of the order, the judgment that is the subject of the motion
 32 shall be deemed not to have been entered, and the applicant may answer accordingly any questions
 33 relating to its occurrence.

34 (4) The court may not charge a filing fee for the filing of a motion under subsection (1) of this
 35 section.

36 **SECTION 18.** ORS 105.164 is amended to read:

37 105.164. (1) On an annual basis, each justice and circuit court shall enter an order setting aside
 38 a judgment and sealing the official records for each case for possession brought under ORS chapter
 39 90 for which the court finds that:

40 (a) *[The judgment does not contain]* **No judgment or order contains** a money award or that any
 41 money award has expired or been satisfied or discharged; and

42 (b)(A) The judgment was a judgment of restitution entered for the plaintiff and at least five
 43 years have passed from the date of the judgment; or

44 (B) The judgment *[was a judgment by stipulation of the parties under ORS 105.145 (2) and at least*
 45 *12 months have passed from the date of the judgment.]* **was for dismissal or otherwise in favor of**

1 **the defendant.**

2 (2) Upon entry of the order, the judgment that is the subject of the motion is deemed not to have
 3 been entered, and any party may answer accordingly any questions relating to its occurrence.

4 (3) Nothing in this section limits the ability of a defendant to apply for an order under ORS
 5 105.163.

6 **SECTION 19.** ORS 105.130 is amended to read:

7 105.130. (1) Except as provided in this section and ORS 105.135, 105.137 and 105.140 to 105.161,
 8 an action pursuant to ORS 105.110 shall be conducted in all respects as other actions in courts of
 9 this state.

10 (2) Upon filing a complaint in the case of a dwelling unit to which ORS chapter 90 applies, the
 11 clerk shall:

12 (a) Collect a filing fee of \$88;

13 (b) Collect any other fee authorized by law or ordinance; and

14 (c) With the assistance of the plaintiff or an agent of the plaintiff, complete the applicable
 15 summons and provide to the plaintiff or an agent of the plaintiff sufficient copies of the summons
 16 and complaint for service.

17 (3) The court shall collect a filing fee of \$88 from a defendant that demands a trial under this
 18 section.

19 (4) An action pursuant to ORS 105.110 shall be brought in the name of a person entitled to
 20 possession as plaintiff. The [*plaintiff*] **parties** may appear in person or through an attorney[. *In an*
 21 *action to which ORS chapter 90 applies, the plaintiff may also appear*] **or** through a nonattorney who
 22 is an agent or employee of the [*plaintiff or an agent or employee of an agent of the plaintiff*] **party**.

23 (5) Notwithstanding ORS 9.160, 9.320 and ORS chapter 180, a state agency may appear in an
 24 action brought pursuant to ORS 105.110 through an officer or employee of the agency if:

25 (a) The Attorney General consents to the representation of the agency by an officer or employee
 26 in the particular action or in the class of actions that includes the particular action; and

27 (b) The agency, by rule, authorizes an officer or employee to appear on its behalf in the partic-
 28 ular type of action being conducted.

29 (6) An action brought under ORS 105.110 by a person entitled to possession of premises on the
 30 basis of circumstances described in ORS 105.115 (1)(d), (e) or (f) is subject to the filing fees and other
 31 court or sheriff fees applicable to an action concerning a dwelling unit that is subject to ORS
 32 chapter 90. The procedure under ORS 105.100 to 105.168 that is applicable to an action concerning
 33 a dwelling unit subject to ORS chapter 90 shall also apply to an action brought under ORS 105.115
 34 (1)(d), (e) or (f), except that the complaint must be in the form prescribed in ORS 105.126.

35 **SECTION 20.** ORS 90.255 is amended to read:

36 90.255. In any action on a rental agreement or arising under this chapter, reasonable attorney
 37 fees at trial and on appeal [*may*] **must** be awarded to the prevailing party together with costs and
 38 necessary disbursements, **plus the reasonable costs or wages of a nonattorney agent or em-**
 39 **ployee appearing under ORS 105.130** (4), notwithstanding any agreement to the contrary. As used
 40 in this section, “prevailing party” means the party in whose favor final judgment is rendered.

41 **SECTION 21. Operative date.** (1) **Sections 1 to 6 and 8 of this 2025 Act and the amend-**
 42 **ments to ORS 90.391, 105.113, 105.135, 105.137, 105.145, 105.146, 105.148, 105.163 and 105.164 by**
 43 **sections 9 to 18 of this 2025 Act become operative on July 1, 2026.**

44 (2) **The Housing and Community Services Department may take any action before the**
 45 **operative date in subsection (1) of this section that is necessary for the department to ex-**

1 exercise, on and after the operative date, all of the duties, functions and powers conferred on
2 the department by sections 1 to 3 of this 2025 Act and ORS 90.391 (2).

3 **SECTION 22. Model form.** On or before July 1, 2026, the Judicial Department shall de-
4 velop and publish a model form for a motion that may be filed under ORS 105.163 (1).

5 **SECTION 23. Appropriation.** In addition to and not in lieu of any other appropriation,
6 there is appropriated to the Housing and Community Services Department, for the biennium
7 beginning July 1, 2025, out of the General Fund, the amount of \$____, to implement and op-
8 erate the eviction mediation program under sections 1 to 3 of this 2025 Act.

9 **SECTION 24. Section captions.** The section captions used in this 2025 Act are provided
10 only for the convenience of the reader and do not become part of the statutory law of this
11 state or express any legislative intent in the enactment of this 2025 Act.

12 **SECTION 25. Effective date.** This 2025 Act takes effect on the 91st day after the date on
13 which the 2025 regular session of the Eighty-third Legislative Assembly adjourns sine die.

14