

LANDLORD FLOWCHART FOR TENANT NONPAYMENT

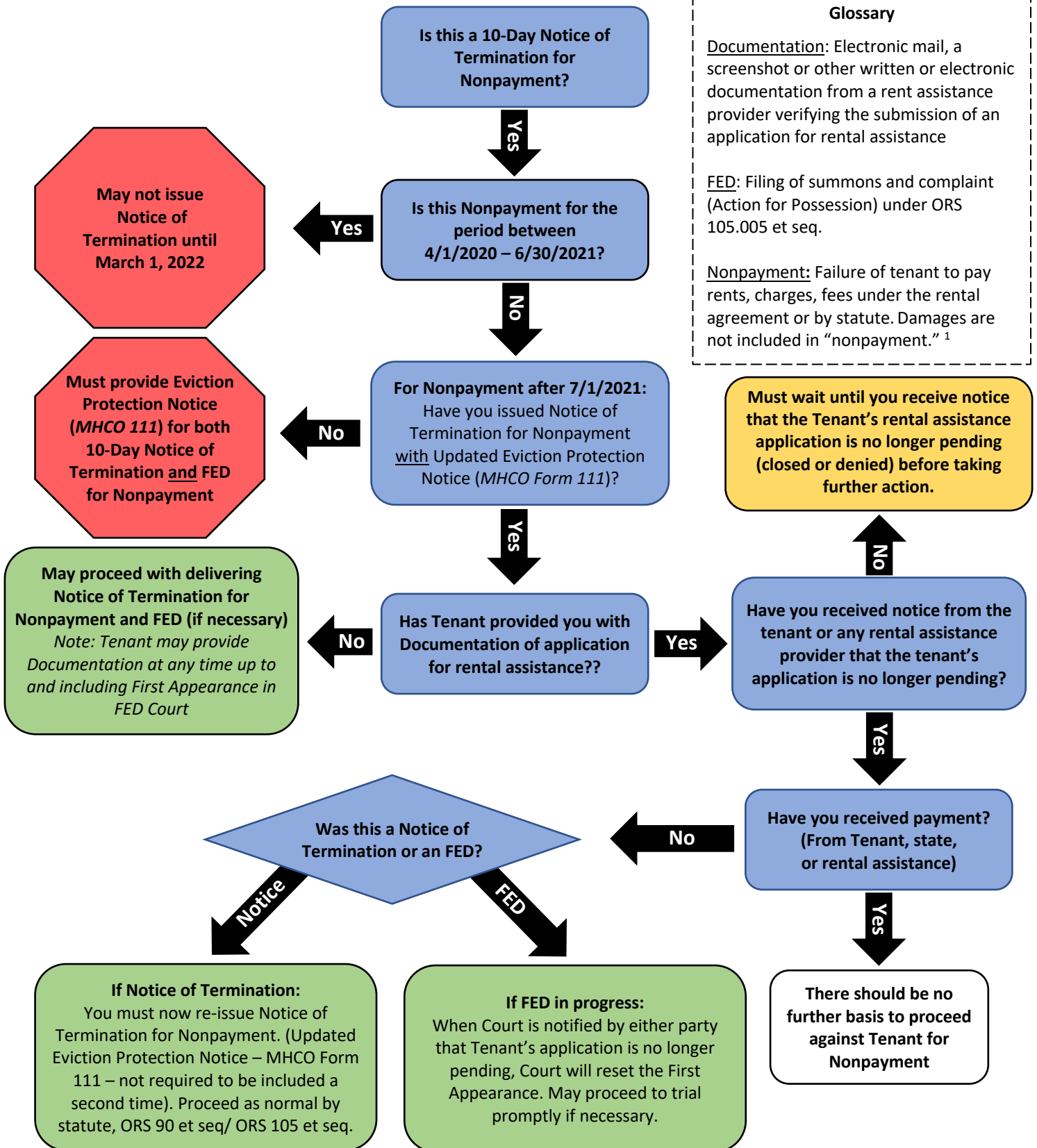
(Updated 12/2021-SB 891)

Glossary

Documentation: Electronic mail, a screenshot or other written or electronic documentation from a rent assistance provider verifying the submission of an application for rental assistance

FED: Filing of summons and complaint (Action for Possession) under ORS 105.005 et seq.

Nonpayment: Failure of tenant to pay rents, charges, fees under the rental agreement or by statute. Damages are not included in "nonpayment."¹



Must wait until you receive notice that the Tenant's rental assistance application is no longer pending (closed or denied) before taking further action.

Have you received notice from the tenant or any rental assistance provider that the tenant's application is no longer pending?

Have you received payment? (From Tenant, state, or rental assistance)

There should be no further basis to proceed against Tenant for Nonpayment

May not issue Notice of Termination until March 1, 2022

Must provide Eviction Protection Notice (MHCO 111) for both 10-Day Notice of Termination and FED for Nonpayment

May proceed with delivering Notice of Termination for Nonpayment and FED (if necessary)
Note: Tenant may provide Documentation at any time up to and including First Appearance in FED Court

If Notice of Termination:
 You must now re-issue Notice of Termination for Nonpayment. (Updated Eviction Protection Notice – MHCO Form 111 – not required to be included a second time). Proceed as normal by statute, ORS 90 et seq/ ORS 105 et seq.

If FED in progress:
 When Court is notified by either party that Tenant's application is no longer pending, Court will reset the First Appearance. May proceed to trial promptly if necessary.

Notes:

¹ SB 891 defines “Nonpayment” as the failure to make 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 described in the rental agreement or

ORS [90.140](#) (Types of payments landlord may require or accept),

ORS [90.302](#) (Fees allowed for certain landlord expenses),

ORS [90.315](#) (utility or service payments),

ORS [90.392](#) (termination of tenancy for cause),

ORS [90.394](#) (termination of tenancy for failure to pay rent),

ORS [90.560](#) to 90.584 (provisions for various utilities and service charges); or

ORS [90.630](#) (termination by landlord: manufactured dwelling or floating home).

SB 891 now explicitly states that ““nonpayment” does not include payments owed by a tenant for damages to the premises.”