

# LANDLORD FLOWCHART FOR TENANT NONPAYMENT

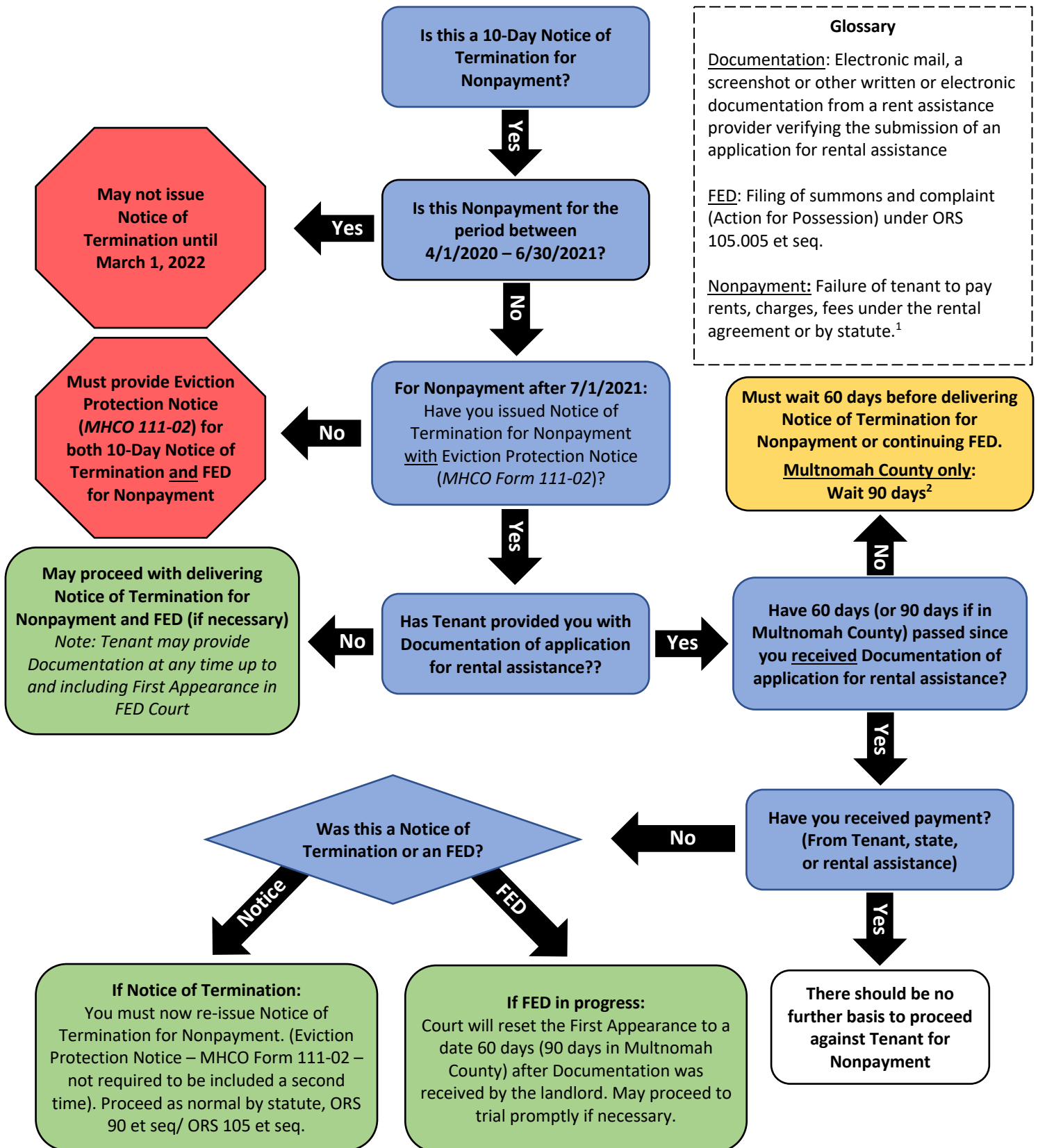
(Information will likely change on March 1, 2022 and thereafter)

## 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.<sup>1</sup>



**May not issue Notice of Termination until March 1, 2022**

**Must provide Eviction Protection Notice (MHC 111-02) 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. (Eviction Protection Notice – MHC Form 111-02 – 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:**  
 Court will reset the First Appearance to a date 60 days (90 days in Multnomah County) after Documentation was received by the landlord. May proceed to trial promptly if necessary.

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

**Must wait 60 days before delivering Notice of Termination for Nonpayment or continuing FED. Multnomah County only: Wait 90 days<sup>2</sup>**

**Notes:**

<sup>1</sup> SB 282 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).

<sup>2</sup> See, Multnomah County Ordinance 1296, passed July 8, 2021. <https://multco-web7-psh-files-usw2.s3-us-west-2.amazonaws.com/s3fs-public/1296%20%281%29.pdf>