

Oregon Termination Procedures using MMHA Rental Forms



Tenant is late with rent payment



In Oregon, landlords have two choices when serving "non-payment-of-rent" notices. Both notices, the 72 hour notice and the 144 hour notice have identical expiration dates if each are served at the earliest lawful time. The 144 hour simply gives the tenant additional prior notice. Oregon law dictates these forms can only be used to terminate the tenancy based on non-payment of DWELLING UNIT rent. Landlords cannot use these forms for termination for non-payment of damages, fees, or deposits. Because of waiver issues, it's safest to include only full months rent. Do not include partial rent if you have accepted partial payments.

Title	72 Hour Notice of Termination for non-payment of rent (M020 OR)	144 Hour Notice of Termination for non-payment of rent (M015 OR)
Timing	Earliest this form can be served is on the 8th day of non-payment.	Earliest this form can served is on the 5th day of non-payment
Description	Most commonly used notice for non-payment of rent. Once served the tenant has 72 hours to either pay the rent or the rental agreement will terminate.	Once served the tenant has 144 hours to either pay the rent or the rental agreement terminates.
Personal Delivery	Personally - handing the notice directly to a named resident. Notice expires in 72 hours.	Personally - handing the notice to a named resident. Notice expires in 144 hours.
Post & Mail Delivery	Post & Mail - Affix notice to front door of unit AND Mail a copy First class only, Not Registered, Not Certified. Request a "Certificate of Mailing" from post office for proof. Must have correct authorizing language in rental agreement, Landlord's office must be reasonably close to unit and accessible 24 hours a day. Notice commences at midnight (end of day) of the day both posted and mailed and expires 72 hours later.	Post & Mail - Affix notice to front door of unit AND Mail a copy First class only, Not Registered, Not Certified. Request a "Certificate of Mailing" from post office for proof. Must have correct authorizing language in rental agreement, Landlord's office must be reasonably close to unit and accessible 24 hours a day. Notice commences at midnight (end of day) of the day both posted and mailed and expires 144 hours later.
Mail Only Delivery	Mailing Only - First class only, Not Registered, Not Certified. Request a "Certificate of Mailing" from post office for proof. HOWEVER, THE NOTICE EXTENDS FOUR ADDITIONAL DAYS INCLUDING DATE MAILED (7 day Notice).	Mailing Only - First class only, Not Registered, Not Certified. Request a "Certificate of Mailing" from post office for proof. HOWEVER, THE NOTICE EXTENDS FOUR ADDITIONAL DAYS INCLUDING DATE MAILED (10 day Notice).

Rent payment received within timeframe? → Tenant retains possession.

Rent payment NOT received within timeframe? ↓ Scroll down to FED procedures.

Tenant abandoned unit in lieu of payment? ↓ Scroll down to Abandon Property Procedures.

Tenant is violating terms of rental agreement



OR



Landlord needs to repossess rental property.

Oregon Landlord/Tenant Law allows Landlords two options in serving one month termination notices. Commonly referred to as the "No-Cause" and the "For-Cause". They differ in that the For-Cause requires the violations to be specifically listed AND the remedies to the violations specifically outlined for the tenant to cure within the 14 day grace period. Only if the tenant is unable to cure within that grace period does the tenancy terminate 31 days after the date the notice was served. The "No-Cause" allows no cure period, simply a 31 day notice to vacate without explanation. It is identical to a tenant's ability to give the landlord a 31 day notice to end their month to month tenancy. **NOTE:** Only month-to-month tenancies (not a fixed term lease) may be served a "No-Cause" notice. Evictions for violations of a rental agreement to tenancies within a fixed term lease must use the "For-Cause" notice.

Title	Notice of Termination of Tenancy without Stated Cause (M019 OR)	Notice For Cause Termination (M023 OR)
Timing	May be served at will in Month-to-Month tenancies. Can be served at any time during the month and termination can occur at anytime during the month. NOTE: Housing Authority tenants the notice must expire at the end of a term (usually the last day of the month). Cannot be used during a lease unless used to signify the end of the fixed term (to prevent automatic rollover to a month-to-month tenancy at the end of a fixed term lease.)	This is a 31 day notice served to tenant to notify of violation(s) of rental agreement. This form allows a 14 day cure period to remedy violation(s) and avoid termination of the tenancy.
Description	This is a notice to terminate a tenancy without needing to prove or explain motives. The termination date must be at least 31 days after service. <u>Caution:</u> This notice could be interpreted as 'Retaliation' if its served during or soon after habitability complaints.	The For Cause notice is the only termination notice (for general violations) available for fixed term lease tenancies. This notice provides a tenant with SPECIFIC explanations of the violations to the rental agreement (Who, What, When & Where). It allows a 14 day cure period to remedy violations before termination.
Personal Delivery	Personally - handing the notice directly to a named resident. Once served tenant has until the termination date (at least 31 days) to vacate the unit.	Personally - handing the notice directly to the tenant. Once served tenant has 31 days to vacate the unit (unless violations are cured within 14 days).
Post & Mail Delivery	Post & Mail - Affix notice to front door of unit AND Mail a copy First class only, Not Registered, Not Certified. Request a "Certificate of Mailing" from post office for proof. Must have correct authorizing language in rental agreement, Landlord's office must be reasonably close to unit and accessible 24 hours a day. Notice commences at midnight (end of day) of the day both posted and mailed. Tenant must vacate by termination date (at least 31 days).	Post & Mail - Affix notice to front door of unit AND Mail a copy First class only, Not Registered, Not Certified. Request a "Certificate of Mailing" from post office for proof. Must have correct authorizing language in rental agreement, Landlord's office must be reasonably close to unit and accessible 24 hours a day. Notice commences at midnight (end of day) of the day both posted and mailed. Tenant must vacate by termination date (at least 31 days) unless violations cured within 14 days.
Mail Only Delivery	Mailing Only - First class only, Not Registered, Not Certified. Request a "Certificate of Mailing" from post office for proof. HOWEVER, THE NOTICE EXTENDS FOUR ADDITIONAL DAYS (at least 35 day Notice).	Mailing Only - First class only, Not Registered, Not Certified. Request a "Certificate of Mailing" from post office for proof. HOWEVER, THE NOTICE EXTENDS FOUR ADDITIONAL DAYS (at least 18 day cure period and 35 day termination date).

Tenant has moved but has left behind belongings? ↓ Scroll down to Abandon Property Procedures.

Tenant still occupying unit past termination date? ↓ Scroll down to FED procedures.

Tenant repeats behavior previously cited & cured in a "For-Cause" notice. ↓		Tenant has an unauthorized pet. ↓ ↓
Title	10 day Notice for Repeat Violations (M028 OR)	10 day Pet Violation (M018 OR)
Timing	May only be used if substantially similar violations occur within 6 months of issuing a For Cause notice of Termination.	Notice grants 10 day grace period to remove pet. If same violation occurs within 6 months, landlord can serve a 10 day notice of termination without the right to cure.
Description	This form is used to notify tenant of similar violations of rental agreement which were addressed within the last six months by serving a For Cause notice. There is no option to cure the problem.	This form contains two separate notices. The First is to inform the tenant that he/she has 10 days to remove the unauthorized pet or the rental agreement will terminate. If same violation occurs within 6 months of issuing the First notice, landlord may issue a Final notice which again cites 10 days to vacate with no additional options to cure.
Personal Delivery	Personally - handing the notice directly to a named resident. Once served tenant has until the termination date (at least 11 days) to vacate the unit.	Personally - handing the notice directly to a named resident. Once served tenant has 11 days to cure first notice or vacate the unit after a second notice.
Post & Mail Delivery	Post & Mail - Affix notice to front door of unit AND Mail a copy First class only, Not Registered, Not Certified. Request a "Certificate of Mailing" from post office for proof. Must have correct authorizing language in rental agreement, Landlord's office must be reasonably close to unit and accessible 24 hours a day. Notice commences at midnight (end of day) of the day both posted and mailed and expires at least 11 days later.	Post & Mail - Affix notice to front door of unit AND Mail a copy First class only, Not Registered, Not Certified. Request a "Certificate of Mailing" from post office for proof. Must have correct authorizing language in rental agreement, Landlord's office must be reasonably close to unit and accessible 24 hours a day. Notice commences at midnight (end of day) of the day both posted and mailed and expires 11 days later.
Mail Only Delivery	Mailing Only - First class only, Not Registered, Not Certified. Request a "Certificate of Mailing" from post office for proof. HOWEVER, THE NOTICE EXTENDS FOUR ADDITIONAL DAYS (14 day Notice).	Mailing Only - First class only, Not Registered, Not Certified. Request a "Certificate of Mailing" from post office for proof. HOWEVER, THE NOTICE EXTENDS FOUR ADDITIONAL DAYS (14 day Notice).
	Tenant has moved but has left behind belongings? ↓ Scroll down to Abandoned Property Procedures.	Pet removed within grace period of first notice? → Tenant retains tenancy
	Tenant still occupying unit past termination date? ↓ Scroll down to FED procedures.	Pet still occupying unit past termination date on First Notice? Tenant still occupying unit past termination date in Final Notice? ↓ Scroll down to FED procedures.

↓ Tenant is out of control. When may I use the 24 Hour Notice? ↓

The following cases are the only situations when a landlord may use the 24 Hour Termination Notice. **Caution:** You must have good evidence of the violation as many 24 Hour Notices result in trials and judges do not like them.

1) The tenant, someone in the tenant's control or the tenant's pet has seriously threatened to inflict substantial personal injury or has inflicted any substantial personal injury upon a person on the premises other than the tenant. 2) The tenant or someone in the tenant's control has recklessly endangered a person on the premises or created a serious risk of substantial personal injury. 3) The tenant, someone in the tenant's control or the tenant's pet has inflicted any substantial personal injury upon a neighbor living in the immediate vicinity of the premises. 4) The tenant of someone in the tenant's control has intentionally inflicted substantial damage to the premises or the tenant's pet has inflicted substantial damage on the premises on more than one occasion. 5) The tenant intentionally provided false information on the application within the past year regarding a criminal conviction of the tenant that would have been material to the landlord's acceptance of the application. Landlord may terminate tenancy within 30 days of discovering the false information. 6) The Tenant, someone in the tenant's control or the tenant's pet has committed any act that is outrageous in the extreme on the premises or in the immediate vicinity of the premises. An act is "outrageous in the extreme" included, but it not limited to: Manufacture, delivery of possession of a controlled substance, but not including (i) the lawful medical use of marijuana; (ii) possession of or delivery for no consideration of, less than one ounce of marijuana; or (iii) possession of prescription drugs; Prostitution; intimidation; or burglary. 7) Perpetrates a criminal act of physical violence related to domestic violence, sexual assault or stalking against a household member - Terminates abuser only.

Title	24 Hour Notice of Termination (M021 OR)	24 Hour Notice of Termination - Unauthorized Occupant (M022 OR)
Timing	May be used for very specific circumstances involving danger to person or property. Substantiating evidence is required to successfully use this notice.	This 24-Hour Notice form is filled out and sent to the named resident(s) on the rental agreement (whether they are current occupants or not) and served according to the directions on the form.
Description	Either the tenant, someone under the tenant's control, or the tenant's pet has engaged in any of the conduct listed above. "Control" means the person entered or remained on the property with the permission of the tenant after the tenant knew or reasonably should have known the of the person's act or likelihood to commit the act.	It is used when the legal resident has vacated the premises, the written rental agreement prohibits subleasing, yet person(s) not holding a written rental agreement are occupying the premises, and the landlord has not knowingly accepted rent from anyone other than the person(s) named on the agreement.
Personal Delivery	Personally - handing the notice directly to a named resident. Once served the tenancy terminates in 24 hours.	Personally - If PERSONALLY SERVED, you must serve it to an NAMED ADULT TENANT on the rental agreement. DO NOT hand it to the unauthorized occupant! Once served, termination occurs in 24 hours.
Post & Mail Delivery	Post & Mail - Affix notice to front door of unit AND Mail a copy First class only, Not Registered, Not Certified. Request a "Certificate of Mailing" from post office for proof. Must have correct authorizing language in rental agreement, Landlord's office must be reasonably close to unit and accessible 24 hours a day. Notice commences at midnight (end of day) of the day both posted and mailed and expires 24 hours later.	Post & Mail - Affix notice to front door of unit AND Mail a copy First class only, Not Registered, Not Certified. Request a "Certificate of Mailing" from post office for proof. Must have correct authorizing language in rental agreement, Landlord's office must be reasonably close to unit and accessible 24 hours a day. Notice commences at midnight (end of day) of the day both posted and mailed and expires 24 hours later.
Mail Only Delivery	Mailing Only - First class only, Not Registered, Not Certified. Request a "Certificate of Mailing" from post office for proof. HOWEVER, THE NOTICE EXTENDS FOUR ADDITIONAL DAYS (5 day Notice).	Mailing Only - First class only, Not Registered, Not Certified. Request a "Certificate of Mailing" from post office for proof. HOWEVER, THE NOTICE EXTENDS FOUR ADDITIONAL DAYS (5 day Notice).
	Tenant has moved but has left behind belongings? ↓ Scroll down to Abandoned Property Procedures.	Unauthorized Occupant still in unit past eviction date? ↓ Scroll down to FED procedures.
	Tenant still occupying unit past eviction date? ↓ Scroll down to FED procedures.	

**Help! I've served the proper notice but the tenant won't leave...I Need to File a FED
(Forcible Entry & Detainer)**

A FED (Forcible Entry and Detainer) is a court action by a landlord against a tenant to remove the tenant from the rented dwelling (house, apartment, mobile home, mobile home space, or floating home). The FED action is for possession of the property only. In Oregon, all evictions from residential dwellings must go through the court. A favorable judgment for the landlord, plaintiff, will result in restitution of the premises by a specified date, as well as court costs. The court will not give the landlord a judgment for monies owed. A landlord must file a separate small claims action to be awarded a judgment to collect delinquent rent, damages or to process other non-possession claims (\$7,500 limit to small claims court). Don't delay in starting this process! If the tenant has not vacated unit by the end of the termination period outlined on the termination notice you served, file the FED as soon as possible. Determine which county your property is in and proceed to that county's courthouse and file the FED eviction. The courts have forms for your use. In Multnomah County call: 503-988-3022. In Washington County call: 503.846.8888. In Clackamas County call: 503-655-8447. The MMHA office can always refer landlords towards legal assistance.

Tenant has vacated but has left behind belongings and/or trash

The Landlord must serve the "Abandoned Property Notice" upon the discovery of former tenant's belongings AFTER possession has transferred back to the owner.

Title	Abandoned Property Notice (M024 OR)
Timing	Serve immediately to former tenant(s) upon discovery of any personal property (including garbage) left behind <u>after</u> possession has transferred back to the owner. Confirmation of abandonment: 1) Tenancy terminated, reasonably believe property abandoned. 2) Tenant gone for 7 days after judgment of restitution. 3) Sheriff lockout.
Description	This form follows Oregon statutes which allows the former tenant at least 5 days after personal delivery of notice or 8 days after mailing notice to respond and state their intention to remove abandoned property or not. If the former tenant responds within the grace period stating intention to collect their abandoned property, the landlord must store the abandoned property for an additional 15 days from the date of the tenant's notice of intention to recover the property. The landlord may store the property either in the unit or another secure location. Make sure to document the abandoned property (take pictures, create inventories, have witnesses view it). Once the abandoned property notice has been served, you can dispose of rotting food and have animal control remove any live animals. The Owner/Agent must make the property available for removal by the resident, by appointment, and at <u>reasonable</u> times. DO NOT GIVE THE FORMER RESIDENT THE KEYS.
Personal Delivery	Personally - handing the notice directly to a named former resident. Once served the former tenant has 5 days to state intention to remove abandoned property. If former tenant acknowledges intent to collect belongings, an additional 15 days is granted from the date the tenant contacts the landlord.
Post & Mail Delivery	There is no Post & Mail option with the Abandoned Property Notice
Mail Only Delivery	Mailing Only - First class only, Not Registered, Not Certified. Request a "Certificate of Mailing" from post office for proof. Mail to the unit AND to any known forwarding address. Once mailed, the former tenant has 8 days to state their intention to remove the abandoned property. If former tenant acknowledges intent to collect belongings, an additional 15 days is granted from the date the tenant states his intention to recover the property.
Disposal of Property	If tenant fails to contact landlord within the 5 day or 8 day period, or after contacting, fails to remove the property within the additional 15 day period, the landlord may dispose of the property. If property is worth less than \$500 or is worth more, but not enough to warrant a sale, then the landlord may: a) throw the property away; b) donate to a non-profit; or c) give it to a third party. Landlord may never retain property for own use. If worth more than \$500 and enough to warrant a sale, hire an estate auctioneer to conduct a sale of the property.