

HB 2002-4
(LC 698)
4/8/19 (RLM/ps)

Requested by Representative KOTEK

**PROPOSED AMENDMENTS TO
HOUSE BILL 2002**

1 On page 1 of the printed bill, line 3, delete “, 456.263 and 456.264” and
2 insert “and 456.263”.

3 Delete line 19 and insert:

4 “(5) ‘Property owner’ or ‘owner’ means the owner or long-term lessee of
5 a participating property.”.

6 On page 2, line 7, after “assistance” insert “vouchers”.

7 After line 13, insert:

8 “(8) ‘Third party offeror’ or ‘third party’ means a party that is not a
9 qualified purchaser and that has made an offer to purchase, or has pur-
10 chased, a participating property from a property owner.”.

11 In line 39, delete “(1)”.

12 Delete lines 40 through 43 and insert:

13 “(1) The owner of a participating property shall provide notice in a format
14 prescribed the Housing and Community Services Department, including by
15 electronic delivery or by registered or certified mail, to each local govern-
16 ment entitled to notice and to the department no sooner than 36 months
17 prior and at least 30 months prior to the date when:”.

18 On page 4, line 5, delete the boldfaced material.

19 In line 11, after “(1)” delete the rest of the line and lines 12 through 17
20 and insert “A property owner shall provide notice in a format prescribed by
21 the Housing and Community Services Department, including by electronic

1 delivery or registered or certified mail, to each local government entitled to
2 notice under ORS 456.260 and to the department, no sooner than 30 months
3 prior and at least 24 months prior to any withdrawal of the participating
4 property from publicly supported housing, including by an expiration of a
5 contract.”.

6 Delete lines 41 through 45.

7 On page 5, after line 3, insert:

8 “(3) After the property owner has delivered the notice under subsection
9 (1) of this section, a qualified purchaser may deliver by certified mail, with
10 return receipt requested, an offer to the property owner to purchase the
11 participating property, which includes a notice that the qualified purchaser
12 may, after 30 days, record a notice of right of first refusal under subsection
13 (4) of this section. A property owner is under no obligation to accept an offer
14 made under this subsection.

15 “(4) At any time after a qualified purchaser has made an offer to purchase
16 the participating property under subsection (3) of this section and no later
17 than two months before the owner may withdraw the property under sub-
18 section (5) of this section, a qualified purchaser may record in the real
19 property records of the county, a notice of right of first refusal in a form
20 prepared by the department that:

21 “(a) Includes a legal description of the participating property;

22 “(b) Attaches a copy of the notice delivered with the offer and proof of
23 mailing of the notice as required by subsection (3) of this section;

24 “(c) Declares that the department or local government party acknowledg-
25 ing the instrument holds the right of first refusal to purchase the property
26 under ORS 456.263 and that the acknowledging party may assign the right
27 of first refusal to a qualified purchaser and that right may be, from time to
28 time, reassigned;

29 “(d) Declares that the right of first refusal shall expire 24 months after
30 the date the property may be withdrawn from publicly supported housing

1 under subsection (5) of this section;

2 “(e) Declares that a copy of the recorded notice of right of first refusal
3 must be promptly delivered to the property owner by the qualified purchaser
4 offering the instrument for recording; and

5 “(f) Is executed and acknowledged by the local government or department
6 in the manner provided for the acknowledgment of deeds.”.

7 In line 4, delete “(4)” and insert “(5)”.

8 In line 12, delete “13” and insert “24”.

9 In line 14, delete “24” and insert “30”.

10 In line 17, delete “(5)” and insert “(6)”.

11 In line 22, delete “(6)(a)” and insert “(7)(a)”.

12 In line 24, delete “(5)” and insert “(6)”.

13 Delete lines 39 through 45 and insert:

14 “(1) Before selling a participating property that is subject to a recorded
15 notice of right of first refusal under ORS 456.262 (4) to a third party other
16 than a qualified purchaser, a property owner shall send notice of the owner’s
17 intent to accept a purchase offer by registered or certified mail, with return
18 receipt requested, to each party acknowledging under ORS 456.262 (4)(f) a
19 notice of right of first refusal under ORS 456.262. The notice delivered under
20 this subsection must contain a copy of the third party offer or the terms and
21 conditions of the offer to purchase that the owner intends to accept.”.

22 On page 6, line 2, before the period insert “by certified mail. The match-
23 ing offer must contain a commitment from the qualified purchaser to pre-
24 serve the property as affordable on terms determined by the Housing and
25 Community Services Department.”.

26 In line 17, restore the bracketed material and delete the boldfaced mate-
27 rial and after “(c)” insert “That”.

28 After line 20, insert:

29 “(f) A commitment to maintain the affordability of the property required
30 under subsection (2) of this section.”.

1 Delete lines 29 through 31 and insert:

2 “(a) More than 24 months have elapsed since the participating property
3 was eligible for withdrawal from publicly supported housing under ORS
4 456.262 (5);”.

5 On page 7, delete lines 3 through 24 and insert:

6 **“SECTION 7. The amendments to ORS 456.260, 456.262 and 456.263**
7 **by sections 4 to 6 of this 2019 Act apply to participating properties**
8 **subject to an affordability restriction or contract that will, by its**
9 **terms, terminate on or after 30 months following the effective date of**
10 **this 2019 Act.”.**

11 In line 25, delete “10” and insert “8”.

12 In line 27, delete “11” and insert “9”.

13 In line 29, delete “affordable housing” and insert “publicly supported
14 housing, as defined in ORS 456.250.”.

15 In line 30, delete “11” and insert “9”.

16 In line 38, delete “10” and insert “8”.

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