

Requested by Representative NOSSE

**PROPOSED AMENDMENTS TO  
HOUSE BILL 2009**

1 On page 1 of the printed bill, delete lines 20 through 30 and insert:

2 “(a) ‘Borrower’ means a mortgagor of real property, a grantor, as defined  
3 in ORS 86.705, a purchaser in a land sale contract, a person that enters into  
4 a retail installment contract with, or gives a security interest to, a lender  
5 for subject property, or a successor in interest to the mortgagor, grantor,  
6 purchaser or person. For the purposes of this paragraph, ‘successor in inter-  
7 est’ means a person to whom a borrower has transferred an interest in sub-  
8 ject property under any of the following circumstances:

9 “(A) The transfer of subject property occurs by devise, descent or opera-  
10 tion of law at the mortgagor’s, grantor’s, purchaser’s or person’s death;

11 “(B) A relative of the mortgagor, grantor, purchaser or person receives  
12 the interest in subject property as a result of the mortgagor’s, grantor’s,  
13 purchaser’s or person’s death;

14 “(C) The spouse or children of the mortgagor, grantor, purchaser or per-  
15 son become owners of the subject property;

16 “(D) The transfer results from a decree of dissolution of marriage, a legal  
17 separation agreement or an incidental separation agreement under which the  
18 spouse of the mortgagor, grantor, purchaser or person becomes an owner of  
19 the subject property; or

20 “(E) The transfer does not relate to rights to occupy the subject property,  
21 but the subject property becomes trust property in an inter vivos trust in

1 which the mortgagor, grantor, purchaser or person remains a beneficiary.”.

2 On page 2, delete lines 1 through 14.

3 Delete lines 19 through 27 and insert:

4 “(c) ‘Financing agreement’ means:

5 “(A) A contract under which a borrower must make payments to a lender  
6 to satisfy an obligation that is secured by a mortgage, a trust deed, a land  
7 sale contract or a lien or other security interest in subject property; and

8 “(B) A retail installment contract, as defined in ORS 83.010, for which the  
9 subject matter is personal property that is used as a residence.

10 “(d) ‘Foreclosure avoidance measure’ has the meaning given that term in  
11 ORS 86.707.

12 “(e) ‘Forfeiture remedy’ has the meaning given that term in ORS 93.905.

13 “(f) ‘Lender’ means a person, other than a financial institution as defined  
14 in ORS 706.008, that is:

15 “(A) A beneficiary, as defined in ORS 86.705;

16 “(B) A mortgagee, as defined in ORS 87.005;

17 “(C) A seller in a land sale contract;

18 “(D) A licensee, as defined in ORS 86A.303;

19 “(E) A retail seller, as defined in ORS 83.010, in a retail installment  
20 contract for subject property; or

21 “(F) An agent, affiliate or employee of a beneficiary, mortgagee, seller,  
22 retail seller or licensee.

23 “(g) ‘Subject property’ means:

24 “(A) Real property located in this state; and

25 “(B) Personal property that is used as a residence in this state.”.

26 On page 3, delete lines 19 through 24 and insert:

27 “(e)(A) Except as provided in subparagraph (B) of this paragraph, a bor-  
28 rower does not need to provide a notice to a lender under paragraph (a) of  
29 this subsection more than once. The borrower’s notice must include financial  
30 statements or other evidence that demonstrates a loss of income related to

1 the COVID-19 pandemic and must disclose any funds the borrower received  
2 from the United States Small Business Administration under the Paycheck  
3 Protection Program, as implemented under the Paycheck Protection Program  
4 Flexibility Act of 2020 (P.L. 116-142) or other state or federal relief programs.  
5 If a borrower provides the notice orally, a lender may request confirmation  
6 in writing that the borrower cannot make a periodic installment payment  
7 or other payment because of a loss of income that is related to the COVID-19  
8 pandemic.”.

9 In line 41, delete “or”.

10 In line 43, delete the period and insert a semicolon.

11 After line 43 insert:

12 “(E) Initiate cash management not already in existence before the effec-  
13 tive date of this 2021 Act;

14 “(F) Implement lockbox procedures not already in existence before the  
15 effective date of this 2021 Act;

16 “(G) Take control of the operating revenue from real property secured by  
17 the financing document unless the control was established before the effec-  
18 tive date of this 2021 Act; or

19 “(H) Declare a default based on the failure of a borrower to meet finan-  
20 cial covenants due to inadequate operating revenue resulting from the  
21 COVID-19 pandemic.”.

22 On page 4, line 3, delete “or”.

23 In line 4, delete the period and insert “; or”.

24 After line 4 insert:

25 “(d) Bring an action or suit to foreclose a lien or other security interest  
26 on subject property.”.

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