

Requested by Representative EVANS

**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 or a successor in interest
4 to the mortgagor, grantor, purchaser or person. For the purposes of this
5 paragraph, ‘successor in interest’ means a person to whom a borrower has
6 transferred an interest in subject property under any of the following cir-
7 cumstances:

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

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

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

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

19 “(E) The transfer does not relate to rights to occupy the subject property,
20 but the subject property becomes trust property in an inter vivos trust in
21 which the mortgagor, grantor, purchaser or person remains a beneficiary.”.

1 On page 2, delete lines 1 through 14.

2 Delete lines 26 and 27 and insert:

3 “(g) ‘Subject property’ means real property located in this state.”.

4 In line 34, after the period insert “If the subject property is commercial
5 property or residential property with more than four dwelling units, the no-
6 tification must include financial statements or other evidence that demon-
7 strates a loss of income related to the COVID-19 pandemic and must disclose
8 any funds the borrower received from the United States Small Business Ad-
9 ministration under the Paycheck Protection Program, as implemented under
10 the Paycheck Protection Program Flexibility Act of 2020 (P.L. 116-142) or
11 other state or federal relief programs.”.

12 On page 3, delete lines 8 through 13 and insert:

13 “(c) For the purposes of negotiating and agreeing to a foreclosure avoid-
14 ance measure, a lender may request from a borrower with subject properties
15 that are residential and have four or fewer dwelling units, in addition to the
16 notice the borrower must provide under paragraph (a) of this subsection,
17 information about any hardship or reduction in income that caused the
18 borrower’s failure to make a payment. A borrower’s failure to provide the
19 information does not disqualify the borrower from negotiating and agreeing
20 to a foreclosure avoidance measure or from obtaining the protections de-
21 scribed in paragraph (a) of this subsection.”.

22 Delete lines 19 through 24 and insert:

23 “(e)(A) Except as provided in subparagraph (B) of this paragraph, a bor-
24 rower does not need to provide a notice to a lender under paragraph (a) of
25 this subsection more than once. If a borrower provides the notice orally, a
26 lender may request confirmation in writing that the borrower cannot make
27 a periodic installment payment or other payment because of a loss of income
28 that is related to the COVID-19 pandemic.”.

29 In line 41, delete “or”.

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

1 After line 43, insert:

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

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

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

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

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