

A-Engrossed
Senate Bill 1527

Ordered by the Senate February 16
Including Senate Amendments dated February 16

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Senate Interim Committee on Finance and Revenue)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: Changes accounts for first-time home buyers, for accounts starting in 2025. Requires taxpayer to keep records. Changes rules for banks. Becomes law 91 days from sine die. (Flesch Readability Score: 62.1).

Modifies provisions governing first-time home buyer savings accounts. Eliminates the requirement that a financial institution provide an annual certificate with account details to account holders. Allows an account holder to designate a proposed first-time home buyer as a beneficiary of the account. Specifies information that must be maintained by a taxpayer claiming a subtraction or exemption for accounts. Limits Department of Revenue rulemaking.

Applies to first-time home buyer savings accounts created on or after January 1, 2025.

Takes effect on the 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to first-time home buyer savings accounts; creating new provisions; amending ORS 316.796,
3 316.797 and 316.803; and prescribing an effective date.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1. Sections 2 and 3 of this 2024 Act are added to and made a part of ORS 316.796**
6 **to 316.803.**

7 **SECTION 2. (1) For each tax year in which a taxpayer claims a subtraction or exemption**
8 **under ORS 316.798, the taxpayer shall maintain the records described in subsection (2) of this**
9 **section, and any other records as required by the Department of Revenue under ORS 316.796**
10 **to 316.803.**

11 **(2) A taxpayer shall maintain, and shall furnish to the department upon the request of**
12 **the department, the following:**

13 **(a) Account statements that show the contributions made during the tax year and the**
14 **taxable interest or earnings on the account in the tax year for which the subtraction or ex-**
15 **emption is claimed;**

16 **(b) The information return issued by the financial institution for the account for the tax**
17 **year for which the subtraction or exemption is claimed; and**

18 **(c) Upon a withdrawal of funds from a first-time home buyer savings account, a copy of**
19 **the real estate settlement statement demonstrating that the withdrawal was used for eligible**
20 **costs.**

21 **SECTION 3. (1) The Department of Revenue may adopt rules to administer ORS 316.796**
22 **to 316.803. Rules adopted under this section may not impose administrative, reporting or**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 **other obligations or requirements on financial institutions related to first-time home buyer**
2 **savings accounts.**

3 **(2) The department may prepare and distribute informational materials regarding the**
4 **first-time home buyer savings account to financial institutions and potential home buyers**
5 **to publicize the availability of first-time home buyer savings accounts.**

6 **SECTION 4.** ORS 316.796 is amended to read:

7 316.796. As used in ORS 316.796 to 316.803:

8 (1) "Account holder" means [*a first-time home buyer*] **an individual** who establishes a first-time
9 home buyer savings account.

10 (2) "Allowable closing costs" means disbursements listed in a settlement statement for the pur-
11 chase of a single family residence by an account holder **or a qualified beneficiary.**

12 (3) "Eligible costs" means the down payment and allowable closing costs for the purchase of a
13 single family residence by an account holder **or a qualified beneficiary.**

14 (4) "Financial institution" means a bank, a trust company, a commercial bank, a national bank,
15 a savings bank, a savings and loan, a thrift institution, a credit union, an insurance company, a
16 mutual fund, an investment firm or a similar entity authorized to do business in this state.

17 (5) "First-time home buyer" means an individual who is a resident of this state and has not
18 owned or purchased, either individually or jointly, a single family residence during a period of three
19 years prior to the date of the purchase of a single family residence.

20 (6) "First-time home buyer savings account" or "account" means an account established as a
21 first-time home buyer savings account [*by written agreement between an account holder and a finan-*
22 *cial institution and*] that the account holder designates for the purpose of paying or reimbursing el-
23 igible costs for the purchase of a single family residence in this state by the account holder **or by**
24 **a qualified beneficiary.**

25 (7) "**Qualified beneficiary**" means **an individual who is designated by an account holder**
26 **as the account holder's intended recipient of funds to be withdrawn from a first-time home**
27 **buyer savings account and used for purposes consistent with ORS 316.796 to 316.803.**

28 [(7)] (8) "Resident of this state" has the meaning given that term in ORS 316.027.

29 [(8)] (9) "Settlement statement" means the statement of receipts and disbursements for a trans-
30 action related to real estate, including a statement prescribed under the Real Estate Settlement
31 Procedures Act of 1974, 12 U.S.C. 2601 et seq., and regulations thereunder.

32 [(9)] (10) "Single family residence" means a residence intended for occupation by a single family
33 unit that is owned and occupied [*by an account holder as the account holder's*] **as the principal res-**
34 **idence of the account holder or a qualified beneficiary.** "Single family residence" includes a
35 manufactured home, residential trailer, mobile home or condominium unit.

36 [(10)] (11) "Taxable income" has the meaning given that term in ORS 316.022.

37 **SECTION 5.** ORS 316.797 is amended to read:

38 316.797. (1) An individual may create a first-time home buyer savings account with a financial
39 institution to be used to pay or reimburse [*the account holder's*] eligible costs related to the purchase
40 of a single family residence [*by entering into a first-time home buyer savings account agreement with*
41 *the financial institution*] **by an account holder or qualified beneficiary.**

42 (2) An individual may jointly own a first-time home buyer savings account with another person
43 if the joint account holders [*are both first-time home buyers and*] file a joint income tax return.

44 [(3) *An individual may not be the account holder of more than one first-time home buyer savings*
45 *account.*]

1 **(3) During any calendar year, an individual may be either:**

2 **(a) The account holder of not more than one first-time home buyer savings account; or**

3 **(b) The qualified beneficiary of not more than one first-time home buyer savings account.**

4 (4) Only cash may be contributed to a first-time home buyer savings account. Subject to the
5 limitations of ORS 316.798 (4), persons other than the account holder may contribute funds to a
6 first-time home buyer savings account. There is no limitation on the amount of contributions that
7 may be made to or retained in a first-time home buyer savings account.

8 (5) The account holder may not use funds held in a first-time home buyer savings account to pay
9 expenses of administering the account, except that the financial institution that administers the ac-
10 count may deduct a service fee from the account.

11 (6) An account holder may withdraw all or part of the funds from a first-time home buyer
12 savings account and deposit the funds in a new first-time home buyer savings account held by a
13 different financial institution or the same financial institution.

14 *[(7) No financial institution is required to offer first-time home buyer savings accounts to customers*
15 *of the institution.]*

16 **SECTION 6.** ORS 316.803 is amended to read:

17 316.803. (1) On or before January 31 of each **calendar year, for calendar years beginning be-**
18 **fore January 1, 2025,** a financial institution at which an account holder has created a first-time
19 home buyer savings account shall provide to the account holder a certificate containing the follow-
20 ing information:

- 21 (a) The date when the account was created;
22 (b) The name of the account holder;
23 (c) The amount of funds contributed to the account during the tax year;
24 (d) The amount of funds withdrawn from the account during the tax year; and
25 (e) Any other information as required by rules adopted by the Department of Revenue.

26 (2) A financial institution is not required to:

- 27 (a) Track the use of moneys withdrawn from a first-time home buyer savings account; *[or]*
28 (b) Allocate funds in a first-time home buyer savings account among joint account holders[.];

29 **or**

30 **(c) Designate an account as a first-time home buyer savings account, including in the**
31 **account contracts or systems of the financial institution.**

32 **(3) An account holder or a joint account holder may designate an account at a financial**
33 **institution as a first-time home buyer savings account and may designate a proposed first-**
34 **time home buyer as the qualified beneficiary of the account. The designations required under**
35 **this subsection shall be made to the Department of Revenue, in a form and manner pre-**
36 **scribed by the department. The department may provide a means by which the designations**
37 **required under this subsection are indicated on an income tax return filed by the account**
38 **holder.**

39 *[(3)]* (4) A financial institution is not responsible or liable for:

40 (a) Determining or ensuring that an account satisfies the requirements to be a first-time home
41 buyer savings account;

42 (b) Determining or ensuring that funds in a first-time home buyer savings account are used for
43 eligible costs; or

44 (c) Reporting or remitting taxes or penalties related to the use of a first-time home buyer
45 savings account.

1 [(4)] (5) Upon being furnished proof of the death of the account holder and such other informa-
2 tion required by the contract governing the first-time home buyer savings account, a financial in-
3 stitution shall distribute the principal and accumulated interest or other income in the first-time
4 home buyer savings account in accordance with the terms of the contract governing the account.

5 **SECTION 7. Sections 2 and 3 of this 2024 Act and the amendments to ORS 316.796, 316.797**
6 **and 316.803 by sections 4 to 6 of this 2024 Act apply to first-time home buyer savings ac-**
7 **counts created on or after January 1, 2025.**

8 **SECTION 8. This 2024 Act takes effect on the 91st day after the date on which the 2024**
9 **regular session of the Eighty-second Legislative Assembly adjourns sine die.**

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