

Requested by Senator PHAM K

**PROPOSED AMENDMENTS TO
SENATE BILL 829**

1 In line 2 of the printed bill, after “housing” insert “; creating new pro-
2 visions; amending ORS 735.410; and declaring an emergency”.

3 Delete lines 4 through 8 and insert:

4 **“SECTION 1. (1) As used in this section:**

5 **“(a) ‘Eligible entity’ means a public, private or nonprofit entity that**
6 **pays insurance premiums for property insurance that covers losses on**
7 **eligible property the entity owns or operates.**

8 **“(b) ‘Eligible property’ means:**

9 **“(A) Affordable housing, as defined in ORS 197A.445, that is subject**
10 **to regulation under the laws of this state;**

11 **“(B) A shelter facility;**

12 **“(C) A Project Turnkey site; and**

13 **“(D) A navigation center.**

14 **“(2) The Department of Consumer and Business Services shall es-**
15 **tablish a program to assist eligible entities in paying the costs of**
16 **property insurance or liability insurance premiums for eligible prop-**
17 **erty that the eligible entities own or operate. The program:**

18 **“(a) Must require an eligible entity to purchase and maintain**
19 **property insurance and liability insurance that covers a loss or liabil-**
20 **ity on eligible property;**

21 **“(b) May make payments only for a portion of the premium that**

1 an eligible entity pays for property insurance or liability insurance
2 that covers a loss or liability on eligible property;

3 “(c) Must operate in the form of an offset payable to an eligible
4 entity after the eligible entity pays the premium for the property in-
5 surance or liability insurance to an insurer, which may include a
6 surplus lines insurer; and

7 “(d) Must otherwise conform with rules adopted under subsection
8 (3) of this section.

9 “(3) The Department of Consumer and Business Services, in con-
10 sultation with the Housing and Community Services Department, shall
11 adopt rules necessary to carry out the provisions of this section, which
12 include, but are not limited to, rules that:

13 “(a) Specify criteria for becoming an eligible entity;

14 “(b) Establish an application process for participation in the pro-
15 gram described in subsection (2) of this section;

16 “(c) Specify the amount, manner and frequency of payments to el-
17 igible entities;

18 “(d) Specify criteria for prioritizing payments among eligible enti-
19 ties;

20 “(e) Establish a wait list or other allocation method for eligible
21 entities with lower priority; and

22 “(f) Specify appropriate metrics for measuring the success of the
23 program described in subsection (2) of this section at increasing prop-
24 erty and liability insurance coverage for eligible property and the
25 affordability of property and liability insurance for eligible entities.

26 “(4) The Department of Consumer and Business Services not later
27 than December 15 of each year shall submit a report in the manner
28 provided in ORS 192.245 to an interim committee of the Legislative
29 Assembly related to housing. The report must describe the success of
30 the program described in subsection (2) of this section, using the

1 metrics described in subsection (3)(f) of this section.

2 **“SECTION 2. (1) The Affordable Housing Premium Assistance Fund**
3 **is established within the State Treasury, separate and distinct from**
4 **the General Fund. Moneys in the Affordable Housing Premium As-**
5 **sistance Fund may be invested in the same manner as other state**
6 **moneys and interest earned on the moneys must be credited to the**
7 **fund. The Affordable Housing Premium Assistance Fund consists of**
8 **moneys appropriated or transferred to the fund by the Legislative As-**
9 **sembly and all moneys otherwise credited to the fund. Moneys in the**
10 **fund are continuously appropriated to the Department of Consumer**
11 **and Business Services to carry out the purposes specified in section 1**
12 **of this 2025 Act.**

13 **“(2) The department shall keep a record of all moneys deposited in**
14 **the Affordable Housing Premium Assistance Fund that shall indicate**
15 **by separate account the source from which the moneys are derived,**
16 **the interest earned and the activity or program against which any**
17 **withdrawal is charged. The department may pay the department’s ad-**
18 **ministrative expenses for the program described in section 1 of this**
19 **2025 Act from moneys in the Affordable Housing Premium Assistance**
20 **Fund.**

21 **“(3) The state shall pay solely from the Affordable Housing Pre-**
22 **mium Assistance Fund and not from any other fund or source all**
23 **payments authorized under the program described in section 1 of this**
24 **2025 Act and all other claims against the department for moneys due**
25 **under or in connection with the program. The state’s liability for**
26 **payments or claims under or in connection with the program is limited**
27 **to the amount of the moneys in the Affordable Housing Premium As-**
28 **sistance Fund.**

29 **“SECTION 3. (1) The Department of Consumer and Business Ser-**
30 **vices shall study:**

1 “(a) The feasibility of creating and operating a state reinsurance
2 program or devising another solution to support price stability in the
3 market for insurance to cover affordable housing, as defined in ORS
4 197A.445, multifamily housing and other residences in this state; and

5 “(b) Known commercial, surplus lines and Oregon FAIR Plan As-
6 sociation coverages and product offerings available for purchase in the
7 insurance market.

8 “(2) The department not later than December 15 of each year shall
9 submit a report in the manner provided in ORS 192.245 to an interim
10 committee of the Legislative Assembly related to housing and
11 homelessness. The report must describe and summarize the
12 department’s progress on, and the results or interim results of, the
13 study described in subsection (1) of this section.

14 “SECTION 4. There is appropriated to the Department of Consumer
15 and Business Services, for the biennium beginning July 1, 2025, out of
16 the General Fund, the amount of \$5,000,000 for deposit into the Af-
17 fordable Housing Premium Assistance Fund established in section 2
18 of this 2025 Act, for the purpose of carrying out the provisions of sec-
19 tion 1 of this 2025 Act.

20 “SECTION 5. ORS 735.410 is amended to read:

21 “735.410. (1) Insurance may be procured through a surplus lines licensee
22 from a nonadmitted insurer if:

23 “(a) The insurer is an eligible surplus lines insurer;

24 “(b) A diligent search has first been made among the insurers who are
25 authorized to transact and are actually writing the particular kind and class
26 of insurance in this state, and it is determined that the full amount or kind
27 of insurance cannot be obtained from those insurers; and

28 “(c) All other requirements of ORS 735.400 to 735.495 are met.

29 “(2) Subsection (1)(b) of this section does not apply to a surplus lines
30 licensee seeking to procure or place nonadmitted insurance in this state for

1 an exempt commercial purchaser if:

2 “(a) The surplus lines licensee procuring or placing the surplus lines in-
3 surance has disclosed to the exempt commercial purchaser that such insur-
4 ance may or may not be available from the admitted market that may provide
5 greater protection with more regulatory oversight; and

6 “(b) The exempt commercial purchaser has subsequently requested in
7 writing that the surplus lines licensee procure or place such insurance from
8 a nonadmitted insurer.

9 “(3) The Director of the Department of Consumer and Business Services
10 by rule may establish requirements applicable to the placement of surplus
11 lines insurance on Oregon home state risks by a nonresident surplus lines
12 licensee. The rules may not interfere with or hinder implementation of the
13 federal Gramm-Leach-Bliley Act (P.L. 106-102) with respect to licensing
14 reciprocity among the states, or the Nonadmitted and Reinsurance Reform
15 Act of 2010 (P.L. 111-203, Title V, Subtitle B).

16 “(4)(a) **The director, in consultation with the Surplus Line Associ-**
17 **ation of Oregon, or a successor, may publish a list of insurance cov-**
18 **erages that are generally unavailable in the authorized insurance**
19 **market for covering affordable housing in this state.**

20 “(b) **Notwithstanding the requirement for a diligent search de-**
21 **scribed in subsection (1)(b) of this section, an insurance producer or**
22 **agent may place a coverage included on the list described in paragraph**
23 **(a) of this subsection directly with a surplus lines insurer without first**
24 **searching for an authorized insurer with which to place the coverage.**

25 “**SECTION 6. Sections 1, 2 and 3 of this 2025 Act are repealed on**
26 **December 31, 2028.**

27 “**SECTION 7. This 2025 Act being necessary for the immediate**
28 **preservation of the public peace, health and safety, an emergency is**
29 **declared to exist, and this 2025 Act takes effect on its passage.”.**

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