

REVENUE: No revenue impact

FISCAL: No fiscal impact

Action:	Do Pass as Amended and Be Printed Engrossed
Vote:	9 - 0 - 0
Yeas:	Barker, Bonamici, Cameron, Flores, Komp, Krieger, Read, Whisnant, Macpherson
Nays:	0
Exc.:	0
Prepared By:	Matt Kalmanson, Counsel
Meeting Dates:	3/29, 4/24

WHAT THE MEASURE DOES: Requires a county or other local government, before incurring costs to decontaminate a nuisance property or to have the property certified as fit for use, to provide notice to each owner and lienholder. Provides process for owner or lienholder to decontaminate and obtain certification for property within a reasonable time. Allows public body to decontaminate and obtain certification for the property if lienholders fail to do so. Establishes priority lien for costs incurred by public body to decontaminate and certify nuisance property, if it complied with the notice requirements and (a) no owner or lienholder responded to the notice or (b) the owner or lienholder failed to complete the course of action within eight months, or longer if agreed to by the public body.

ISSUES DISCUSSED:

- Mechanics of nuisance and fit-for-use statutes
- Cost of securing and certifying methamphetamine houses as fit for use
- Rights of lienholders

EFFECT OF COMMITTEE AMENDMENT: Amendments replace the bill.

BACKGROUND: ORS 105.555(1)(c) provides that property that is determined to be not fit for use under ORS 453.876 and that has not been decontaminated and certified as fit for use within 180 days is declared to be a nuisance. ORS 105.560 permits governmental bodies to bring actions to restrain the nuisance. ORS 453.886 allows an owner of property deemed unfit for use under the nuisance laws to use the services of a contractor licensed by the Department of Human Services to decontaminate the property. ORS 105.585 currently provides that a lien created to secure a nuisance property has priority over all other liens and interests in the property. HB 3313 would give priority to liens created to recover costs incurred to secure and decontaminate the property, so long as the owner or other lien-holders are provided notice and an opportunity to decontaminate and certify the property themselves.