

# House Bill 3447

Sponsored by Representative C EDWARDS; Representatives BARKER, BARNHART, BONAMICI, BOONE, BUCKLEY, CLEM, COWAN, D EDWARDS, GARRARD, GELSER, HUNT, MERKLEY, NATHANSON, RILEY, ROBLAN, TOMEI, WITT

## 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 **as introduced**.

Extends time for tenants' association or facility purchase association to respond to notice that facility owner is offering or considering sale of facility.

## A BILL FOR AN ACT

1  
2 Relating to facility sales; creating new provisions; and amending ORS 90.820.

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

4 **SECTION 1.** ORS 90.820 is amended to read:

5 90.820. (1) [*Within 14 days of delivery by or on behalf of the facility owner of the notice required*  
6 *by ORS 90.760 (2) or 90.810,*] A tenants' association or facility purchase association **that receives**  
7 **a notice under ORS 90.760 (2) or 90.810** may notify the owner of the facility [*in which the tenants*  
8 *reside by certified mail or personal service at the address disclosed to the tenants under ORS 90.305*  
9 *(1)(a)*] that the association, or a tenants' association supported nonprofit organization, is interested  
10 in purchasing the facility. **The association shall give notice to the facility owner by certified**  
11 **mail or personal service at the address disclosed to the tenants under ORS 90.305 (1) no later**  
12 **than 60 days after the association receives the notice by the owner under ORS 90.760 (2) or**  
13 **90.810.**

14 (2) Upon delivery of the notice required by subsection (1) of this section, the owner shall nego-  
15 tiate in good faith with the association or organization and provide the association or organization  
16 an opportunity to purchase the facility as the owner would any bona fide third party potential pur-  
17 chaser.

18 (3) A facility purchase association or tenants' association actively involved in negotiations with  
19 a facility owner may waive or reduce the time periods for notice described in this section. A facility  
20 purchase association or tenants' association may authorize a tenants' association supported  
21 nonprofit organization to waive notice on behalf of the association.

22 (4) This section, ORS 90.760 (2) and 90.810 do not apply to:

23 (a) Any sale or transfer to a person who would be included within the table of descent and  
24 distribution if the facility owner were to die intestate.

25 (b) Any transfer by gift, devise or operation of law.

26 (c) Any transfer by a corporation to an affiliate. As used in this paragraph, "affiliate" means  
27 any shareholder of the transferring corporation, any corporation or entity owned or controlled, di-  
28 rectly or indirectly, by the transferring corporation or any other corporation or entity owned or  
29 controlled, directly or indirectly, by any shareholder of the transferring corporation.

30 (d) Any transfer by a partnership to any of its partners.

**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 (e) Any conveyance of an interest in a facility incidental to the financing of the facility.

2 (f) Any conveyance resulting from the foreclosure of a mortgage, deed of trust or other instru-  
3 ment encumbering a facility or any deed given in lieu of a foreclosure.

4 (g) Any sale or transfer between or among joint tenants or tenants in common owning a facility.

5 (h) Any exchange of a facility for other real property, whether or not the exchange also involves  
6 the payment of cash or other boot.

7 (i) The purchase of a facility by a governmental entity under that entity's powers of eminent  
8 domain.

9 **SECTION 2. The amendments to ORS 90.820 by section 1 of this 2007 Act apply to re-**  
10 **sponses to notices that a landlord gives under ORS 90.760 (2) or 90.810 on or after the effec-**  
11 **tive date of this 2007 Act.**

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