

REVENUE: No revenue impact

FISCAL: No fiscal impact

Action:	Do Pass as Amended and Be Printed Engrossed
Vote:	10 - 0 - 0
Yeas:	Barton, Cameron, Garrett, Krieger, Olson, Shields, Smith J., Stiegler, Whisnant, Barker
Nays:	0
Exc.:	0
Prepared By:	Lisa Nuss, Counsel
Meeting Dates:	5/22, 5/27

WHAT THE MEASURE DOES: Makes the residential FED (forcible entry and detainer action) process available for purchasers to take possession of property in certain judicial foreclosures, sales and similar events. Clarifies that those FED proceedings will be subject to the same fees and process as are FED proceedings brought under the Oregon Residential Landlord and Tenant Act. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- Does not eliminate other applicable judicial procedures to resolve possession disputes, but makes the well-known FED procedures available in listed circumstances

EFFECT OF COMMITTEE AMENDMENT: Removes references to ORS 86.755 (related to trust deed sales); removes a section that sponsors no longer believe is necessary.

BACKGROUND: This bill is brought by the Debtor-Creditor Section of the Oregon State Bar. Events covered include judicial foreclosures of mortgages and trust deeds, judicial sales under an ordinary writ of execution, strict foreclosure of land sale contracts, and transfers by a voluntary deed in lieu of foreclosure. Current law is unclear whether purchasers in these events can make use of the FED statutes. A common law remedy (writ of assistance) is available in those situations, but there is currently little consistency in how that's carried out in each county.

References to ORS 86.755 were removed to avoid a substantive conflict with SB 952 (relating to rights of tenants in foreclosed property). SB 952 makes policy changes to that statute whereas this bill was simply seeking to reorganize and clarify that statute.