

**Enrolled**  
**House Bill 2383**

Sponsored by Representative NATHANSON (Pre-session filed.)

CHAPTER .....

AN ACT

Relating to facility sales; creating new provisions; amending ORS 90.820; and prescribing an effective date.

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

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

90.820. (1) Within 14 days of delivery by or on behalf of the facility owner of the notice required by ORS 90.760 (2) or 90.810, a tenants' association or facility purchase association may notify the owner of the facility in which the tenants reside by certified mail or personal service at the address disclosed to the tenants under ORS 90.305 (1)(a) that the association, or a tenants' association supported nonprofit organization, is interested in purchasing the facility.

(2) Upon delivery of the notice required by subsection (1) of this section, the **facility** owner shall negotiate in good faith with the association or organization and provide the association or organization an opportunity to purchase the facility as the owner would any bona fide third party potential purchaser. **During the 14-day period following the delivery of a notice to the facility owner under subsection (1) of this section, the tenants' association, facility purchase association or tenants' association supported nonprofit organization has a right of first refusal for any offer or agreement by the facility owner to sell the facility.**

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

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

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

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

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

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

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

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

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

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

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

**SECTION 2. The amendments to ORS 90.820 by section 1 of this 2009 Act apply to facilities for which the facility owner gives a notice required by ORS 90.760 (2) or 90.810 on or after the effective date of this 2009 Act.**

**SECTION 3. This 2009 Act takes effect on January 1, 2012.**

**Passed by House May 4, 2009**

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Chief Clerk of House

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Speaker of House

**Passed by Senate June 1, 2009**

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President of Senate

**Received by Governor:**

.....M.,....., 2009

**Approved:**

.....M.,....., 2009

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Governor

**Filed in Office of Secretary of State:**

.....M.,....., 2009

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Secretary of State