

**PROPOSED AMENDMENTS TO
HOUSE BILL 2417**

1 On page 1 of the printed bill, line 2, after “veterans;” insert “creating new
2 provisions;”.

3 In line 3, after “458.665;” insert “limiting expenditures;”.

4 On page 2, line 39, delete “The department must expend a minimum of”
5 and insert “An amount equal to”.

6 In line 40, after “294.187” insert “is dedicated for expenditure”.

7 On page 3, line 24, after the period delete the rest of the line.

8 In line 25, delete “ment must expend a minimum of” and insert “An
9 amount equal to”.

10 In line 26, after “294.187” insert “is dedicated for expenditure”.

11 On page 4, line 22, after “that” delete the rest of the line and insert “an
12 amount equal to”.

13 In line 23, after “294.187” insert “is dedicated for expenditure”.

14 On page 5, after line 12, insert:

15 **“SECTION 7.** ORS 205.323, as amended by section 1 of this 2013 Act, is
16 amended to read:

17 “205.323. (1) In addition to and not in lieu of the fees charged and col-
18 lected under ORS 205.320 and other fees, the county clerk shall charge and
19 collect the following fees for the recording or filing of any instrument de-
20 scribed in ORS 205.130:

21 “(a) A fee of \$1, to be credited as provided in subsection (4)(a) of this
22 section;

1 “(b) A fee of \$10, to be credited as provided in subsection (4)(b) of this
2 section; and

3 “(c) A fee of [~~\$20~~] **\$15**, to be credited as provided in subsection (4)(c) of
4 this section.

5 “(2) Subsection (1) of this section does not apply to the recording or filing
6 of the following:

7 “(a) Instruments that are otherwise exempt from recording or filing fees
8 under any provision of law;

9 “(b) Any satisfaction of judgment or certificate of satisfaction of judg-
10 ment; or

11 “(c) Internal county government instruments not otherwise charged a re-
12 cording or filing fee.

13 “(3) Subsection (1)(c) of this section does not apply to the recording or
14 filing of:

15 “(a) Instruments required under ORS 517.210 to maintain mining claims;

16 “(b) Warrants issued by the Employment Department pursuant to ORS
17 657.396, 657.642 and 657.646; or

18 “(c) A certified copy of a judgment, a lien record abstract as described in
19 ORS 18.170 or a satisfaction of a judgment, including a judgment noticed by
20 recordation of a lien record abstract.

21 “(4) Of the amounts charged and collected under this section:

22 “(a) The recording or filing fee charged and collected under subsection
23 (1)(a) of this section must be deposited and credited to the Oregon Land In-
24 formation System Fund established under ORS 306.132.

25 “(b) The recording or filing fee charged and collected under subsection
26 (1)(b) of this section shall be credited as follows:

27 “(A) Five percent of the fee must be credited for the benefit of the county;

28 “(B) Five percent of the fee must be credited for the benefit of the county
29 clerk for the purposes described in ORS 205.320 (18); and

30 “(C) 90 percent of the fee must be credited to and deposited in the County

1 Assessment and Taxation Fund created under ORS 294.187.

2 “(c) The recording or filing fee charged and collected under subsection
3 (1)(c) of this section must be credited to and deposited in the County As-
4 sessment and Taxation Fund created under ORS 294.187.

5 “(5) The Department of Revenue is exempt from paying the fee under
6 subsection (1)(c) of this section.

7 **“SECTION 8.** ORS 458.610, as amended by section 2 of this 2013 Act, is
8 amended to read:

9 “458.610. For purposes of ORS 458.600 to 458.665:

10 “(1) ‘Council’ means the State Housing Council established in ORS
11 456.567.

12 “(2) ‘Department’ means the Housing and Community Services Depart-
13 ment established in ORS 456.555.

14 “(3) ‘Low income’ means individuals or households that receive more than
15 50 percent and not more than 80 percent of the median family income for the
16 area, subject to adjustment for areas with unusually high or low incomes or
17 housing costs, all as determined by the council based on information from
18 the United States Department of Housing and Urban Development.

19 “(4) ‘Minority’ means an individual:

20 “(a) Who has origins in one of the black racial groups of Africa but who
21 is not Hispanic;

22 “(b) Who is of Hispanic culture or origin;

23 “(c) Who has origins in any of the original peoples of the Far East,
24 Southeast Asia, the Indian subcontinent or the Pacific Islands; or

25 “(d) Who is an American Indian or Alaskan Native having origins in one
26 of the original peoples of North America.

27 “(5) ‘Organization’ means a:

28 “(a) Nonprofit corporation established under ORS chapter 65;

29 “(b) Housing authority established under ORS 456.055 to 456.235; or

30 “(c) Local government as defined in ORS 197.015.

1 “(6) ‘Persons with disabilities’ means persons with handicaps described in
2 42 U.S.C. 3602(h).

3 “(7) ‘Very low income’ means individuals or households that receive 50
4 percent or less of the median family income for the area, subject to adjust-
5 ment for areas with unusually high or low incomes or housing costs, all as
6 determined by the council based on information from the United States De-
7 partment of Housing and Urban Development.

8 “[8] ‘Veteran’ has the meaning given that term in ORS 408.225.]

9 “**SECTION 9.** ORS 458.650, as amended by section 3 of this 2013 Act, is
10 amended to read:

11 “458.650. (1) The Emergency Housing Account shall be administered by
12 the Housing and Community Services Department to assist homeless persons
13 and those persons who are at risk of becoming homeless. [*An amount equal*
14 *to 25 percent of moneys deposited in the account pursuant to ORS 294.187 is*
15 *dedicated for expenditure for assistance to veterans who are homeless or at risk*
16 *of becoming homeless.*] For purposes of this section, ‘account’ means the
17 Emergency Housing Account.

18 “(2) The State Housing Council shall develop policy for giving grants to
19 organizations that shall use the funds to provide to low and very low income
20 persons, including but not limited to, persons more than 65 years of age,
21 persons with disabilities, farmworkers and Native Americans:

22 “(a) Emergency shelters and attendant services;

23 “(b) Transitional housing services designed to assist persons to make the
24 transition from homelessness to permanent housing and economic independ-
25 ence;

26 “(c) Supportive housing services to enable persons to continue living in
27 their own homes or to provide in-home services for such persons for whom
28 suitable programs do not exist in their geographic area;

29 “(d) Programs that provide emergency payment of home payments, rents
30 or utilities; or

1 “(e) Some or all of the needs described in paragraphs (a) to (d) of this
2 subsection.

3 “(3)(a) The council shall require as a condition of awarding a grant that
4 the organization demonstrate to the satisfaction of the council that the or-
5 ganization has the capacity to deliver any service proposed by the organiza-
6 tion.

7 “(b) Any funds granted under this section shall not be used to replace
8 existing funds. Funds granted under this section may be used to supplement
9 existing funds. An organization may use funds to support existing programs
10 or to establish new programs.

11 “(c) The council, by policy, shall give preference in granting funds to
12 those organizations that coordinate services with those programs established
13 under ORS 458.625.

14 “(4) The department may expend funds from the account for adminis-
15 tration of the account as provided for in the legislatively approved budget,
16 as that term is defined in ORS 291.002, for the department.

17 “**SECTION 10.** ORS 458.655, as amended by section 4 of this 2013 Act, is
18 amended to read:

19 “458.655. (1) The Home Ownership Assistance Account shall be adminis-
20 tered by the Housing and Community Services Department to expand this
21 state’s supply of homeownership housing for low and very low income fami-
22 lies and individuals, including, but not limited to, persons over 65 years of
23 age, persons with disabilities, minorities[, *veterans*] and farmworkers. [*An*
24 *amount equal to 25 percent of moneys deposited in the account pursuant to*
25 *ORS 294.187 is dedicated for expenditure to expand this state’s supply of*
26 *homeownership housing for low and very low income veterans and families of*
27 *veterans.*] The State Housing Council shall have a policy of distributing
28 funds statewide while concentrating funds in those areas of this state with
29 the greatest need, as determined by the council, for low and very low income
30 homeownership housing. However, the council’s policy of distributing funds

1 may differ from the distribution policy for the Housing Development and
2 Guarantee Account.

3 “(2) Funds in the Home Ownership Assistance Account shall be granted
4 to organizations that both sponsor and manage low income homeownership
5 programs, including lease-to-own programs, for the construction of new
6 homeownership housing or for the acquisition or rehabilitation of existing
7 structures for homeownership housing for persons of low or very low income,
8 or both.

9 “(3) The council shall develop a policy for disbursing grants for any or
10 all of the following purposes:

11 “(a) To aid low income homeownership programs, including program ad-
12 ministration, in purchasing land, providing assistance with down payment
13 costs, or providing homeownership training and qualification services or any
14 combination thereof. Funds in the Home Ownership Assistance Account may
15 not be used by an organization to pay for its general operations or to pay
16 for more than 25 percent of construction or rehabilitation costs.

17 “(b) To match public and private moneys available from other sources for
18 purposes of the provision of low or very low income homeownership housing.

19 “(c) To administer the Home Ownership Assistance Account as provided
20 for in the legislatively approved budget, as that term is defined in ORS
21 291.002, for the department.

22 “(4) The council, in developing policy under subsection (3) of this section,
23 shall give preference in making grants to those entities that propose to:

24 “(a) Provide the greatest number of low and very low income
25 homeownership housing units constructed, acquired or rehabilitated for the
26 amount of account money expended by matching account funds with other
27 grant, loan or eligible in-kind contributions;

28 “(b) Ensure the longest use for the units as low or very low income
29 homeownership housing units, such as by including some form of equity re-
30 capture, land trust or shared equity provisions, as determined by the council;

1 “(c) Include social services for occupants and proposed occupants of the
2 proposed housing, including but not limited to, programs that address home
3 health care, mental health care, alcohol and drug treatment and post-
4 treatment care, child care, homeownership training, mortgage qualification
5 service, credit repair and case management; and

6 “(d) Support a comprehensive strategy to reverse the decreasing rates of
7 homeownership among minorities, giving priority to activities that support
8 adopted comprehensive community plans that incorporate recognized best
9 practices or demonstrate proven success in increasing homeownership for
10 minorities.

11 **“SECTION 11.** ORS 458.665, as amended by section 5 of this 2013 Act, is
12 amended to read:

13 “458.665. (1) The Housing and Community Services Department shall ad-
14 minister the General Housing Account.

15 “(2) The department shall disburse moneys credited to the account to ac-
16 complish the purposes described in ORS 456.515 to 456.725[, *except that an*
17 *amount equal to 25 percent of moneys deposited in the account pursuant to*
18 *ORS 294.187 is dedicated for expenditure to meet the critical housing needs*
19 *of veterans in this state*].

20 “(3) The department may disburse moneys in the account by contract,
21 grant, loan or otherwise as the department determines necessary.

22 “(4) The department may set interest rates on loans made with moneys in
23 the account.

24 “(5) The department shall establish guidelines for the types of loans fi-
25 nanced with moneys in the account by rule.

26 “(6) The department may use moneys in the account to pay allowable ad-
27 ministrative expenses incurred under ORS 456.515 to 456.725.

28 “(7) The department may, in the director’s discretion, return moneys re-
29 ceived for deposit in the account to the original source of the moneys.

30 “(8) The department may accept moneys for deposit in the account pur-

1 suant to ORS 458.620 (4) and enter into agreements regarding the use of
2 moneys deposited with the original source of the moneys.

3 “(9) The department shall adopt rules that:

4 “(a) [*Subject to subsection (2) of this section,*] Govern the allocation of
5 moneys deposited in the account to best meet critical housing needs and
6 build organizational capacity of partners throughout this state; and

7 “(b) Require equitable distribution of resources over time based on ob-
8 jective measures of need, including the number and percentage of low and
9 very low income households in an area.

10 **“SECTION 12.** ORS 306.815, as amended by section 6 of this 2013 Act, is
11 amended to read:

12 “306.815. (1) A city, county, district or other political subdivision or mu-
13 nicipal corporation of this state shall not impose, by ordinance or other law,
14 a tax or fee upon the transfer of a fee estate in real property, or measured
15 by the consideration paid or received upon transfer of a fee estate in real
16 property.

17 “(2) A tax or fee upon the transfer of a fee estate in real property does
18 not include any fee or charge that becomes due or payable at the time of
19 transfer of a fee estate in real property, unless that fee or charge is imposed
20 upon the right, privilege or act of transferring title to real property.

21 “(3) Subsection (1) of this section does not apply to any fee established
22 under ORS 203.148.

23 “(4) Subsection (1) of this section does not apply to any tax if the ordi-
24 nance or other law imposing the tax is in effect and operative on March 31,
25 1997.

26 “(5) Subsection (1) of this section does not apply to any tax or fee that
27 is imposed upon the transfer of a fee estate in real property if the fee that
28 is imposed under ORS 205.323, for the recording or filing of the instrument
29 conveying the real property being transferred, is less than [~~\$32~~] **\$27.**”.

30 **“SECTION 13. The Housing and Community Services Department**

1 shall prepare and submit an annual report to the regular and interim
2 committees of the Legislative Assembly that have authority over the
3 subject area of housing and veterans on or before October 15 of each
4 year regarding the use of moneys dedicated for assistance to meet the
5 critical housing needs of veterans who are homeless or at risk of be-
6 coming homeless as a result of the increase in fees charged and col-
7 lected for the recording or filing of instruments conveying real
8 property pursuant to the amendments to ORS 205.323, 306.815, 458.610,
9 458.650, 458.655 and 458.665 by sections 1 to 6 of this 2013 Act.

10 **“SECTION 14. Notwithstanding any other law limiting expenditures,**
11 **the amount of \$2,915,000 is established for the biennium beginning July**
12 **1, 2013, as the maximum limit for payment of expenses for operations**
13 **from fees, moneys or other revenues, including Miscellaneous Receipts**
14 **and federal funds from the United States Department of Housing and**
15 **Urban Development for contract services, but excluding lottery funds**
16 **and federal funds not described in section 2, chapter _____, Oregon**
17 **Laws 2013 (Enrolled House Bill 5015), collected or received by the**
18 **Housing and Community Services Department for the administration**
19 **of the provisions of the amendments to ORS 205.323, 306.815, 458.610,**
20 **458.650, 458.655 and 458.665 by sections 1 to 6 of this 2013 Act.**

21 **“SECTION 15. (1) The amendments to ORS 205.323, 306.815, 458.610,**
22 **458.650, 458.655 and 458.665 by sections 7 to 12 of this 2013 Act become**
23 **operative on January 2, 2018.**

24 **“(2) Section 13 of this 2013 Act is repealed on January 2, 2018.**

25 **“SECTION 16. (1) The amendments to ORS 205.323, 306.815, 458.610,**
26 **458.650, 458.655 and 458.665 by sections 1 to 6 of this 2013 Act apply to**
27 **moneys deposited in the Emergency Housing Account, the Home**
28 **Ownership Assistance Account and the General Housing Account on**
29 **or after the effective date of this 2013 Act.**

30 **“(2) The amendments to ORS 205.323, 306.815, 458.610, 458.650, 458.655**

1 **and 458.665 by sections 7 to 12 of this 2013 Act apply to moneys depos-**
2 **ited in the Emergency Housing Account, the Home Ownership Assist-**
3 **ance Account and the General Housing Account on or after January**
4 **1, 2018.”.**

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