

# Enrolled House Bill 2417

Sponsored by Representatives MATTHEWS, WHISNANT, PARRISH; Representatives BOONE, CONGER, FAGAN, HUFFMAN, WITT, Senators BATES, JOHNSON, MONNES ANDERSON (Presession filed.)

CHAPTER .....

AN ACT

Relating to document fee increases to provide housing assistance for veterans; creating new provisions; amending ORS 205.323, 306.815, 458.610, 458.650, 458.655 and 458.665; limiting expenditures; and providing for revenue raising that requires approval by a three-fifths majority.

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

**SECTION 1.** ORS 205.323 is amended to read:

205.323. (1) In addition to and not in lieu of the fees charged and collected under ORS 205.320 and other fees, the county clerk shall charge and collect the following fees for the recording or filing of any instrument described in ORS 205.130:

- (a) A fee of \$1, to be credited as provided in subsection (4)(a) of this section;
- (b) A fee of \$10, to be credited as provided in subsection (4)(b) of this section; and
- (c) A fee of [~~\$15~~] **\$20**, to be credited as provided in subsection (4)(c) of this section.

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

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

- (b) Any satisfaction of judgment or certificate of satisfaction of judgment; or
- (c) Internal county government instruments not otherwise charged a recording or filing fee.

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

- (a) Instruments required under ORS 517.210 to maintain mining claims;
- (b) Warrants issued by the Employment Department pursuant to ORS 657.396, 657.642 and 657.646; or

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

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

(a) The recording or filing fee charged and collected under subsection (1)(a) of this section must be deposited and credited to the Oregon Land Information System Fund established under ORS 306.132.

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

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

(C) 90 percent of the fee must be credited to and deposited in the County Assessment and Taxation Fund created under ORS 294.187.

(c) The recording or filing fee charged and collected under subsection (1)(c) of this section must be credited to and deposited in the County Assessment and Taxation Fund created under ORS 294.187.

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

**SECTION 2.** ORS 458.610 is amended to read:

458.610. For purposes of ORS 458.600 to 458.665:

(1) "Council" means the State Housing Council established in ORS 456.567.

(2) "Department" means the Housing and Community Services Department established in ORS 456.555.

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

(4) "Minority" means an individual:

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

(b) Who is of Hispanic culture or origin;

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

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

(5) "Organization" means a:

(a) Nonprofit corporation established under ORS chapter 65;

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

(c) Local government as defined in ORS 197.015.

(6) "Persons with disabilities" means persons with handicaps described in 42 U.S.C. 3602(h).

(7) "Very low income" means individuals or households that receive 50 percent or less of the median family income for the area, subject to adjustment for areas with unusually high or low incomes or housing costs, all as determined by the council based on information from the United States Department of Housing and Urban Development.

**(8) "Veteran" has the meaning given that term in ORS 408.225.**

**SECTION 3.** ORS 458.650 is amended to read:

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

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

(a) Emergency shelters and attendant services;

(b) Transitional housing services designed to assist persons to make the transition from homelessness to permanent housing and economic independence;

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

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

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

(3)(a) The council shall require as a condition of awarding a grant that the organization demonstrate to the satisfaction of the council that the organization has the capacity to deliver any service proposed by the organization.

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

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

(4) The department may expend funds from the account for administration of the account as provided for in the legislatively approved budget, as that term is defined in ORS 291.002, for the department.

**SECTION 4.** ORS 458.655 is amended to read:

458.655. (1) The Home Ownership Assistance Account shall be administered by the Housing and Community Services Department to expand *[the]* **this** state's supply of homeownership housing for low and very low income families and individuals, including, but not limited to, *[housing for]* persons over 65 years of age, persons with disabilities, minorities, **veterans** and farmworkers. **An amount equal to 25 percent of moneys deposited in the account pursuant to ORS 294.187 is dedicated for expenditure to expand this state's supply of homeownership housing for low and very low income veterans and families of veterans.** The State Housing Council shall have a policy of distributing funds statewide while concentrating funds in those areas of *[the]* **this** state with the greatest need, as determined by the council, for low and very low income homeownership housing. However, the council's policy of distributing funds may differ from the distribution policy for the Housing Development and Guarantee Account.

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

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

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

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

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

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

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

(b) Ensure the longest use for the units as low or very low income homeownership housing units, such as by including some form of equity recapture, land trust or shared equity provisions, as determined by the council;

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

(d) Support a comprehensive strategy to reverse the decreasing rates of homeownership among minorities, giving priority to activities that support adopted comprehensive community plans that

incorporate recognized best practices or demonstrate proven success in increasing homeownership for minorities.

**SECTION 5.** ORS 458.665 is amended to read:

458.665. (1) The Housing and Community Services Department shall administer the General Housing Account.

(2) The department shall disburse moneys credited to the account to accomplish the purposes described in ORS 456.515 to 456.725, **except that 25 percent of moneys deposited in the account pursuant to ORS 294.187 is dedicated for expenditure to meet the critical housing needs of veterans in this state.**

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

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

(5) The department shall establish guidelines for the types of loans financed with moneys in the account by rule.

(6) The department may use moneys in the account to pay allowable administrative expenses incurred under ORS 456.515 to 456.725.

(7) The department may, in the director's discretion, return moneys received for deposit in the account to the original source of the moneys.

(8) The department may accept moneys for deposit in the account pursuant to ORS 458.620 (4) and enter into agreements regarding the use of moneys deposited with the original source of the moneys.

(9) The department shall adopt rules that:

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

(b) Require equitable distribution of resources over time based on objective measures of need, including the number and percentage of low and very low income households in an area.

**SECTION 6.** ORS 306.815 is amended to read:

306.815. (1) A city, county, district or other political subdivision or municipal corporation of this state shall not impose, by ordinance or other law, a tax or fee upon the transfer of a fee estate in real property, or measured by the consideration paid or received upon transfer of a fee estate in real property.

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

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

(4) Subsection (1) of this section does not apply to any tax if the ordinance or other law imposing the tax is in effect and operative on March 31, 1997.

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

**SECTION 7. Notwithstanding any other law limiting expenditures, the amount of \$2,915,000 is established for the biennium beginning July 1, 2013, as the maximum limit for payment of expenses for operations from fees, moneys or other revenues, including Miscellaneous Receipts and federal funds from the United States Department of Housing and Urban Development for contract services, but excluding lottery funds and federal funds not described in section 2, chapter \_\_\_\_\_, Oregon Laws 2013 (Enrolled House Bill 5015), collected or received by the Housing and Community Services Department for the administration of the provisions of this 2013 Act.**

**SECTION 8. The amendments to ORS 205.323, 306.815, 458.610, 458.650, 458.655 and 458.665 by sections 1 to 6 of this 2013 Act apply to moneys deposited in the Emergency Housing Ac-**

count, the Home Ownership Assistance Account and the General Housing Account on or after the effective date of this 2013 Act.

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**Passed by House June 25, 2013**

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Ramona J. Line, Chief Clerk of House

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Tina Kotek, Speaker of House

**Passed by Senate June 29, 2013**

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Peter Courtney, President of Senate

**Received by Governor:**

.....M,....., 2013

**Approved:**

.....M,....., 2013

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John Kitzhaber, Governor

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

.....M,....., 2013

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Kate Brown, Secretary of State