

HOUSE AMENDMENTS TO HOUSE BILL 2662

By COMMITTEE ON CONSUMER PROTECTION AND GOVERNMENT EFFICIENCY

April 19

1 On page 1 of the printed bill, line 7, after the semicolon insert “or”.

2 In line 8, delete “; or” and insert a period.

3 Delete line 9.

4 In line 24, after the second comma delete the rest of the line and delete line 25 and insert “that
5 forecloses a trust deed by advertisement and sale under ORS 86.735 or by suit under ORS 88.010.

6 “(d) ‘Reasonable costs’ means actual and demonstrable costs that are commensurate with and
7 do not exceed the market rate for services necessary to remedy a condition of neglect, plus the ac-
8 tual and demonstrable costs of administering a contract for services to remedy a condition of neglect
9 or the portion of the costs of a program to remedy conditions of neglect that are attributable to
10 remedying a condition of neglect for specific foreclosed residential real property.”.

11 On page 2, delete lines 13 through 45 and delete page 3 and insert:

12 “(3)(a) If a local government finds a violation of subsection (2)(a) of this section, the local gov-
13 ernment shall notify the owner in writing of the foreclosed residential real property that is the
14 subject of the violation and in accordance with paragraph (b) or (c) of this subsection, as appropri-
15 ate, shall specify a time within which the owner must remedy the condition of neglect that is the
16 basis for the local government’s finding.

17 “(b) The local government shall allow the owner not less than 30 days to remedy the violation
18 unless the local government makes a determination under paragraph (c) of this subsection and shall
19 provide the owner with an opportunity to contest the local government’s finding at a hearing. The
20 owner must contest the local government’s finding within 10 days after the local government notifies
21 the owner of the violation.

22 “(c) If the local government determines that a specific condition of the foreclosed residential
23 real property constitutes a threat to public health or safety, the local government may require an
24 owner to remedy the specific condition in less than 30 days, provided that the local government
25 specifies in the written notice the date by which the owner must remedy the specific condition. A
26 local government may specify in the written notice different dates by which the owner must remedy
27 separate conditions of neglect on the foreclosed residential real property.

28 “(4)(a) After a local government allows an owner the time specified in subsection (3)(b) of this
29 section or makes a determination under subsection (3)(c) of this section, the local government may
30 remedy or contract with another person to remedy neglect or a specific condition of neglect on
31 foreclosed residential real property and require the owner to reimburse the local government for
32 reasonable costs the local government incurs under this paragraph.

33 “(b) A local government that has incurred costs with respect to foreclosed residential real
34 property under paragraph (a) of this subsection has a lien on the foreclosed residential real property
35 for the sum of the local government’s unreimbursed costs. A lien created under this paragraph is

1 prior to all other liens and encumbrances, except that the lien has equal priority with a tax lien.
2 The lien attaches at the time the local government files a claim of lien with the county clerk of the
3 county in which the foreclosed residential real property is located. A local government may bring
4 an action in the circuit court to foreclose the lien in the manner provided for foreclosing other liens
5 on real or personal property.

6 **“SECTION 2. This 2013 Act being necessary for the immediate preservation of the public**
7 **peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect**
8 **on its passage.”**

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