

Enrolled
Senate Bill 465

Sponsored by Senator JOHNSON; Representative HOLVEY

CHAPTER

AN ACT

Relating to disclosure of flood damage to residential improvements; creating new provisions; amending ORS 205.246; and declaring an emergency.

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

SECTION 1. (1) A local government with land use jurisdiction may present for recordation in the office of the county clerk a notice of designation of substantial damage to a residential structure when the residential structure:

(a) Has sustained substantial damage, as defined in an ordinance for the purpose of regulating development in hazard areas, from flooding; and

(b) Has not been brought into compliance with ordinances regulating development in hazard areas.

(2) A county clerk shall record a notice of designation of substantial damage pursuant to ORS 205.130 (3)(e).

(3) If a local government has caused a notice of designation of substantial damage to be recorded under this section, the local government shall present for recordation a notice of remedy of substantial damage that declares void the notice of designation of substantial damage recorded under this section when the structures that were substantially damaged by flooding have been brought into compliance with ordinances regulating development in hazard areas.

(4) The county clerk shall record a notice of remedy of substantial damage pursuant to ORS 205.130 (3)(e).

(5) This section does not directly, indirectly or by implication limit or alter a preexisting common law or statutory right or remedy, including actions for fraud, negligence or equitable relief.

SECTION 2. ORS 205.246 is amended to read:

205.246. (1) The county clerk shall record the following instruments required or permitted by law to be recorded and entered in the office of the county clerk:

(a) Financing statements recorded in the office of the county clerk under ORS 79.0501 (1)(a);

(b) Hospital and physician liens recorded under ORS 87.565;

(c) Federal tax liens and certificates and notices affecting federal tax liens recorded under ORS 87.806;

(d) Cooperative contracts recorded under ORS 62.360;

(e) Special district assessments attaching to real property;

(f) Lien foreclosure statements recorded under ORS 87.202;

- (g) A certified copy of the judgment or a lien record abstract or other liens affecting the title to real property;
 - (h) Building code exemptions required under ORS 455.320 and 455.345;
 - (i) Construction liens recorded under ORS 87.050;
 - (j) Liens upon chattels recorded under ORS 87.246;
 - (k) Liens on real property recorded under ORS 87.372;
 - (L) Employee benefit plan liens recorded under ORS 87.860;
 - (m) Attorney liens recorded under ORS 87.455 and 87.460;
 - (n) Long term care liens recorded under ORS 87.517;
 - (o) Ambulance services liens recorded under ORS 87.623;
 - (p) Community property records recorded under ORS 108.530;
 - (q) Sheriff transfer of records recorded under ORS 206.100;
 - (r) Corrected instruments required under ORS 205.244;
 - (s) Mineral and mining records required under ORS 517.030, 517.052, 517.160, 517.180, 517.210, 517.220, 517.280, 517.310 and 517.320;
 - (t) Copies of records certified by a county clerk or court clerk;
 - (u) Subdivision and partition plats recorded under ORS 92.140;
 - (v) Condominiums recorded under ORS chapter 100;
 - (w) Requests for notice of transfer or encumbrance or terminations of requests for notice of transfer or encumbrance presented for recordation under ORS 411.694;
 - (x) Bankruptcy documents presented for recordation under ORS 93.770;
 - (y) A written warranty agreement under ORS 701.605;
 - (z) An instrument, as described in ORS 86.722, to correct errors in a recorded trust deed; [and]
 - (aa) An order or decision under section 8 (7), chapter 424, Oregon Laws 2007, or section 6, chapter 855, Oregon Laws 2009, that is final by operation of law or on appeal[.];
 - (bb) A notice of designation of substantial damage described in section 1 of this 2013 Act;**
- and**

(cc) A notice of remedy of substantial damage described in section 1 of this 2013 Act.

(2) The county clerk shall charge and collect fees specified in ORS 205.320, 205.327 and 205.350 for recording an instrument required to be recorded under subsection (1) of this section.

(3) Indexes may be maintained for instruments recorded under subsection (1) of this section in the same manner as provided in ORS 205.160.

SECTION 3. Section 1 of this 2013 Act applies to structures substantially damaged before, on or after the effective date of this 2013 Act.

SECTION 4. This 2013 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect on its passage.

Passed by Senate April 1, 2013

.....
Robert Taylor, Secretary of Senate

.....
Peter Courtney, President of Senate

Passed by House May 22, 2013

.....
Tina Kotek, Speaker of House

Received by Governor:

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

Approved:

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

.....
John Kitzhaber, Governor

Filed in Office of Secretary of State:

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

.....
Kate Brown, Secretary of State