

**PROPOSED AMENDMENTS TO
SENATE BILL 465**

1 On page 1 of the printed bill, delete lines 5 through 27 and insert:

2 **“SECTION 1. (1) As used in this section, ‘substantial damage’**
3 **means damage to improvements for which the cost of restoration, re-**
4 **pair or reconstruction of the improvements is the lesser of:**

5 **“(a) Fifty percent of the market value of the improvements before**
6 **the damage occurred; or**

7 **“(b) The percentage of market value of improvements before the**
8 **damage occurred that is established in ordinances, of the local gov-**
9 **ernment with land use jurisdiction over the real property, that are**
10 **adopted for the purpose of regulating development in hazard areas.**

11 **“(2) A local government with land use jurisdiction over real prop-**
12 **erty containing residential improvements that sustain substantial**
13 **damage from flooding may present for recordation in the office of the**
14 **county clerk a notice of designation of substantial damage.**

15 **“(3) A county clerk shall record a notice of designation of substan-**
16 **tial damage pursuant to ORS 205.130 (3)(e).**

17 **“(4) If a local government has caused a notice of designation of**
18 **substantial damage to be recorded under subsections (2) and (3) of this**
19 **section, the local government shall present for recordation a notice**
20 **of remedy of substantial damage that declares void the notice of des-**
21 **ignation of substantial damage recorded under subsections (2) and (3)**
22 **of this section if the improvements that were substantially damaged**

1 by flooding have been brought into compliance with ordinances regu-
2 lating development in hazard areas by having been:

3 “(a) Repaired and elevated to protect against future damage from
4 flooding; or

5 “(b) Torn down and removed from the real property.

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

8 “(6) If the local government with land use jurisdiction has not
9 caused the notice described in subsection (2) of this section to be re-
10 corded and an owner of real property described in this section sells the
11 property without disclosing the substantial damage in a seller’s prop-
12 erty disclosure statement issued under ORS 105.462 to 105.490, a buyer
13 may bring a cause of action against the seller for treble damages
14 within two years after the buyer learns or should have learned about
15 the substantial damage.

16 “(7) This section does not directly, indirectly or by implication limit
17 or alter a preexisting common law or statutory right or remedy, in-
18 cluding actions for fraud, negligence or equitable relief.”.

19 On page 2, line 32, delete “and”.

20 In line 34, delete the period and insert “; and

21 “(cc) A notice of repair of substantial damage described in section 1 of
22 this 2013 Act.”.

23 Delete lines 39 and 40 and insert:

24 **“SECTION 3. Section 1 of this 2013 Act applies to improvements**
25 **that were substantially damaged before, on or after the effective date**
26 **of this 2013 Act.”.**

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