

Enrolled
House Bill 2530

Sponsored by Representatives EVANS, WILDE; Representatives BOLES, GOMBERG, LEWIS, NOSSE, SMITH DB, ZIKA (Presession filed.)

CHAPTER

AN ACT

Relating to housing for veterans; creating new provisions; and amending ORS 86.756 and 105.113.

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

SECTION 1. (1) Except as provided in subsection (3) of this section, a person who sends or serves a document listed in subsection (2) of this section shall include the following information with the document:

(a) A statement that if the recipient is a veteran of the armed forces, assistance may be available from a county veterans' service officer or community action agency; and

(b)(A) Contact information for a service officer appointed under ORS 408.410 for the county in which the recipient lives and contact information for a community action agency that serves the area where the recipient lives; or

(B) A statement that contact information for a local county veterans' service officer and community action agency may be obtained by calling a 2-1-1 information service.

(2) This section applies to the following documents:

(a) A notice of termination of tenancy under any provision of ORS chapter 90;

(b) A summons in an action under ORS 105.110 for forcible entry or detainer;

(c) A summons in an action under ORS 88.010 to foreclose a lien upon residential real property; and

(d) A notice under ORS 86.756 of foreclosure of a residential trust deed.

(3) This section does not apply to documents sent or served by the judicial department, as defined in ORS 174.113.

(4) As used in this section, "residential real property" means a single-family, owner-occupied dwelling and appurtenances.

SECTION 2. Section 3 of this 2019 Act is added to and made a part of ORS chapter 90.

SECTION 3. Except as provided in section 1 (3) of this 2019 Act, a notice of termination of tenancy under any provision of this chapter must include the information required by section 1 of this 2019 Act.

SECTION 4. ORS 105.113 is amended to read:

105.113. (1) Notwithstanding ORCP 7, for premises to which ORS chapter 90 or ORS 91.120 applies, the summons must be in substantially the following form and be available from the court clerk:

IN THE CIRCUIT COURT
FOR THE COUNTY OF

No. _____

SUMMONS
RESIDENTIAL EVICTION

PLAINTIFF (Landlord or agent):

vs.

DEFENDANT (Tenants/Occupants):

TO: _____ (Street address and city of property occupied by defendant)
_____ (Mailing address if different)

NOTICE TO TENANTS:
READ THESE PAPERS CAREFULLY
YOUR LANDLORD WANTS TO
EVICT YOU

ON _____, 2_____ AT _____ A.M./P.M., you must come to the County Court House located at _____. You do not have to pay any fees to the court for this first hearing.

- If you do not appear in court and your landlord does, your landlord will win automatically and can have the Sheriff physically remove you.

- If you do show up in court and your landlord does not, this eviction action will be dropped.

- If both of you show up:

- The judge may ask you to try to reach an agreement with your landlord, but this is voluntary. Trained mediators may be available free of charge to help resolve disputes.

- The court will schedule a trial if you and your landlord do not reach an agreement or if you do not agree to move out.

IF YOU WANT A TRIAL, YOU MUST:

- Show up in court at the time scheduled above;

- On the same day, file an Answer with the Court giving a legal reason why you should not be evicted (the Court can give you a form);

- Give a copy of the Answer to your landlord (or your landlord's agent or attorney); and

- Pay a filing fee of \$_____ (the judge may allow payment to be deferred in certain circumstances).

IF YOU HAVE QUESTIONS, YOU SHOULD SEE AN ATTORNEY IMMEDIATELY. If you need help finding an attorney, you can contact the Oregon State Bar's Lawyer Referral Service online at www.oregonstatebar.org or by calling 503-684-3763 (in the Portland metropolitan area) or toll-free elsewhere in Oregon at 800-452-7636.

Signature of Plaintiff (landlord or agent)

Plaintiff's address:

Plaintiff's telephone number: _____

(2) Except as provided in section 1 (3) of this 2019 Act, the information required under section 1 of this 2019 Act must be included with the summons.

SECTION 5. Section 6 of this 2019 Act is added to and made a part of ORS chapter 88.

SECTION 6. Except as provided in section 1 (3) of this 2019 Act, the information required under section 1 of this 2019 Act must be included with a summons in an action under ORS 88.010 to foreclose a lien upon residential real property, as defined in section 1 of this 2019 Act.

SECTION 7. ORS 86.756 is amended to read:

86.756. (1) If a notice of default is recorded for property that is subject to a residential trust deed, the sender of a notice of sale under ORS 86.764 shall, on or before the date the notice of sale is served or mailed, give notice under this section to the grantor by both first class and certified mail with return receipt requested to all addresses on file with the sender for the grantor, including post office boxes. Subject to any rules adopted under subsection (2) of this section, the notice must be in substantially the following form and printed in at least 14-point type:

NOTICE:
YOU ARE IN DANGER OF LOSING
YOUR PROPERTY IF YOU DO NOT
TAKE ACTION IMMEDIATELY

This notice is about your mortgage loan on your property at _____ (address).

Your lender has decided to sell this property because the money due on your mortgage loan has not been paid on time or because you have failed to fulfill some other obligation to your lender. This is sometimes called "foreclosure."

The amount you would have had to pay as of _____ (date) to bring your mortgage loan current was \$_____. The amount you must now pay to bring your loan current may have increased since that date.

By law, your lender has to provide you with details about the amount you owe, if you ask. You may call _____ (telephone number) to find out the exact amount you must pay to bring your mortgage loan current and to get other details about the amount you owe. You may also get these details by sending a request by certified mail to: _____.

**THIS IS WHEN AND WHERE
YOUR PROPERTY WILL BE SOLD
IF YOU DO NOT TAKE ACTION:**

Date and time: _____, 2_____ at _____

Place: _____

**THIS IS WHAT YOU CAN DO
TO STOP THE SALE:**

1. You can pay the amount past due or correct any other default, up to five days before the sale.
2. You can refinance or otherwise pay off the loan in full anytime before the sale.
3. You can call _____ (name) at _____ (telephone number) to find out if your lender is willing to give you more time or change the terms of your loan.
4. You can sell your home, provided the sale price is enough to pay what you owe.

There are government agencies and nonprofit organizations that can give you information about foreclosure and help you decide what to do. For the name and telephone number of an organization near you, please call the statewide telephone contact number at _____. You may also wish to talk to a lawyer. If you need help finding a lawyer, you may call the Oregon State Bar's Lawyer Referral Service at _____ or toll-free in Oregon at _____ or you may visit its website at: _____. Legal assistance may be available if you have a low income and meet federal poverty guidelines. For more information and a directory of legal aid programs, go to _____.

WARNING: You may get offers from people who tell you they can help you keep your property. You should be careful about those offers. Make sure you understand any papers you are asked to sign. If you have any questions, talk to a lawyer or one of the organizations mentioned above before signing.

DATED: _____, 2_____

Trustee name: _____ (print)

Trustee signature: _____

Trustee telephone number: _____

(2) The Department of Consumer and Business Services may adopt rules prescribing the format, font size and other physical characteristics of the notice form set forth in subsection (1) of this section. The department shall adopt rules specifying the resource telephone contact numbers and website addresses the sender is to insert in completing the notice.

(3) When filling blanks in the notice form set forth in subsection (1) of this section, the sender of the notice shall include, stated in plain language:

(a) The amount of payment that was needed to bring the mortgage loan current as of the date stated in the notice; and

(b) One or more telephone numbers consisting of:

(A) A telephone number that will allow the grantor access during regular business hours to details regarding the grantor's loan delinquency and repayment information; and

(B) A telephone number that will allow the grantor access during regular business hours to person-to-person consultation with an individual authorized by the beneficiary to discuss the grantor's payment and loan term negotiation and modification options.

(4) Telephone numbers described in subsection (3) of this section must be toll-free numbers unless the beneficiary:

(a) Made the loan with the beneficiary's own money;

(b) Made the loan for the beneficiary's own investment; and

(c) Is not in the business of making loans secured by an interest in real estate.

(5) If the sender giving notice under subsection (1) of this section has actual knowledge that the grantor is not the occupant of the residential real property, the sender shall also give notice to the occupant of the property by both first class and certified mail with return receipt requested to all addresses on file with the trustee for the occupant, including post office boxes.

(6) Except as provided in section 1 (3) of this 2019 Act, the information required under section 1 of this 2019 Act must be included with a notice under subsection (1) of this section.

SECTION 8. On or before December 1 of each year, the Department of Veterans' Affairs and the Housing and Community Services Department shall jointly submit a written report on veterans' housing programs to the interim House committee related to veterans. The report must describe:

(1) Expenditures relating to veterans' housing programs, including how moneys were expended and the source of the moneys;

(2) Programs or initiatives to enroll veterans in or inform veterans of existing housing programs;

(3) Implementation of programs and training for identification of veterans who are or may become homeless; and

(4) Training of and coordination with state and local agencies on veterans' housing programs, including "Operation Welcome Home."

Passed by House April 22, 2019

Repassed by House June 5, 2019

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Timothy G. Sekerak, Chief Clerk of House

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Tina Kotek, Speaker of House

Passed by Senate June 3, 2019

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Peter Courtney, President of Senate

Received by Governor:

.....M.,....., 2019

Approved:

.....M.,....., 2019

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M.,....., 2019

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Bev Clarno, Secretary of State