

HB 2002-3  
(LC 698)  
4/5/19 (RLM/ps)

Requested by Representative KOTEK

**PROPOSED AMENDMENTS TO  
HOUSE BILL 2002**

1 On page 1 of the printed bill, line 3, delete “, 456.263 and 456.264” and  
2 insert “and 456.263”.

3 Delete line 19 and insert:

4 “(5) ‘Property owner’ or ‘owner’ means the owner or long-term lessee of  
5 a participating property.”.

6 On page 2, line 7, after “assistance” insert “vouchers”.

7 After line 13, insert:

8 “(8) ‘Third party offeror’ or ‘third party’ means a party that is not a  
9 qualified purchaser and that has made an offer to purchase, or has pur-  
10 chased, a participating property from a property owner.”.

11 In line 39, delete “(1)”.

12 Delete lines 40 through 43 and insert:

13 “(1) The owner of a participating property shall provide notice by regis-  
14 tered or certified mail, with return receipt requested, to each local govern-  
15 ment entitled to notice and to the Housing and Community Services  
16 Department, in a format, including by electronic delivery, prescribed by the  
17 department, no sooner than 36 months prior and at least 30 months prior to  
18 the date when:”.

19 On page 4, line 5, delete the boldfaced material.

20 In line 11, after “(1)” delete the rest of the line and lines 12 through 17  
21 and insert “A property owner shall provide notice by registered or certified

1 mail, with return receipt requested, to the each local government entitled to  
2 notice under ORS 456.260 and to the Housing and Community Services De-  
3 partment, in a format, including electronic delivery, prescribed by the de-  
4 partment, no sooner than 30 months prior and at least 24 months prior to  
5 any withdrawal of the participating property from publicly supported hous-  
6 ing, including by an expiration of a contract.”.

7 Delete lines 41 through 45.

8 On page 5, after line 3, insert:

9 “(3) After the property owner has delivered the notice under subsection  
10 (1) of this section, a qualified purchaser may deliver by certified mail, with  
11 return receipt requested, an offer to the property owner to purchase the  
12 participating property, which includes a notice that the qualified purchaser  
13 may, after 30 days, record a notice of right of first refusal under subsection  
14 (4) of this section. A property owner is under no obligation to accept an offer  
15 made under this subsection.

16 “(4) At any time after a qualified purchaser has made an offer to purchase  
17 the participating property under subsection (3) of this section and no later  
18 than two months before the owner may withdraw the property under sub-  
19 section (5) of this section, a qualified purchaser may record in the real  
20 property records of the county, a notice of right of first refusal in a form  
21 prepared by the department that:

22 “(a) Includes a legal description of the participating property;

23 “(b) Attaches a copy of the notice delivered with the offer and proof of  
24 mailing of the notice as required by subsection (3) of this section;

25 “(c) Declares that the department or local government party acknowledg-  
26 ing the instrument holds the right of first refusal to purchase the property  
27 under ORS 456.263 and that the acknowledging party may assign the right  
28 of first refusal to a qualified purchaser and that right may be, from time to  
29 time, reassigned;

30 “(d) Declares that the right of first refusal shall expire 24 months after

1 the date the property may be withdrawn from publicly supported housing  
2 under subsection (5) of this section;

3 “(e) Declares that a copy of the recorded notice of right of first refusal  
4 must be promptly delivered to the property owner by the qualified purchaser  
5 offering the instrument for recording; and

6 “(f) Is executed and acknowledged by the local government or department  
7 in the manner provided for the acknowledgment of deeds.”.

8 In line 4, delete “(4)” and insert “(5)”.

9 In line 12, delete “13” and insert “24”.

10 In line 14, delete “24” and insert “30”.

11 In line 17, delete “(5)” and insert “(6)”.

12 In line 22, delete “(6)(a)” and insert “(7)(a)”.

13 In line 24, delete “(5)” and insert “(6)”.

14 Delete lines 39 through 45 and insert:

15 “(1) Before selling a participating property that is subject to a recorded  
16 notice of right of first refusal under ORS 456.262 (4) to a third party other  
17 than a qualified purchaser, a property owner shall send notice of the owner’s  
18 intent to accept a purchase offer by registered or certified mail, with return  
19 receipt requested, to each party acknowledging under ORS 456.262 (4)(f) a  
20 notice of right of first refusal under ORS 456.262. The notice delivered under  
21 this subsection must contain a copy of the third party offer or the terms and  
22 conditions of the offer to purchase that the owner intends to accept.”.

23 On page 6, line 2, before the period insert “by certified mail. The match-  
24 ing offer must contain a commitment from the qualified purchaser to pre-  
25 serve the property as affordable on terms determined by the Housing and  
26 Community Services Department.”.

27 In line 17, restore the bracketed material and delete the boldfaced mate-  
28 rial and after “(c)” insert “That”.

29 After line 20, insert:

30 “(f) A commitment to maintain the affordability of the property required

1 under subsection (2) of this section.”.

2 Delete lines 29 through 31 and insert:

3 “(a) More than 24 months have elapsed since the participating property  
4 was eligible for withdrawal from publicly supported housing under ORS  
5 456.262 (5);”.

6 On page 7, delete lines 3 through 24 and insert:

7 **“SECTION 7. The amendments to ORS 456.260, 456.262 and 456.263**  
8 **by sections 4 to 6 of this 2019 Act apply to participating properties**  
9 **subject to an affordability restriction or contract that will, by its**  
10 **terms, terminate on or after 30 months following the effective date of**  
11 **this 2019 Act.”.**

12 In line 25, delete “10” and insert “8”.

13 In line 27, delete “11” and insert “9”.

14 In line 29, delete “affordable housing” and insert “publicly supported  
15 housing, as defined in ORS 456.250.”.

16 In line 30, delete “11” and insert “9”.

17 In line 38, delete “10” and insert “8”.

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