

HB 2761-1  
(LC 684)  
2/8/23 (VSR/ps)

Requested by Representative NOSSE

**PROPOSED AMENDMENTS TO  
HOUSE BILL 2761**

1       On page 1 of the printed bill, line 3, delete “456.620” and insert “456.605,  
2     456.620 and 456.690”.

3       Delete lines 5 through 31 and delete page 2 and insert:

4       **“SECTION 1.** ORS 456.620 is amended to read:

5       “456.620. In carrying out housing programs, the Housing and Community  
6     Services Department shall:

7       “(1) With the approval of the Oregon Housing Stability Council, adopt  
8     standards for the planning, development and management of housing projects  
9     for which qualified housing sponsors receive all or a portion of any required  
10    financing under ORS 456.548 to 456.725, for audits and inspections to deter-  
11    mine compliance with such standards and adopt criteria for the approval of  
12    qualified housing sponsors under ORS 456.548 to 456.725.

13       “(2) Adopt criteria by which the department may approve or disqualify  
14    qualified housing sponsors.

15       “(3) Enter into agreements with qualified housing sponsors to regulate the  
16    planning, development and management of housing projects constructed with  
17    the assistance of the department under ORS 456.548 to 456.725.

18       “(4) With the approval of the council, establish maximum household in-  
19    come limits for all or a portion of the units in housing projects, **including**  
20    housing developments or other residential housing, financed in whole or in  
21    part by the department. [A *maximum of one-third of the units in a housing*

1 *project, housing development or other residential housing financed by the de-*  
2 *partment may be rented to households with an income level exceeding 120*  
3 *percent of the median family income level, as determined by the department.]*

4 **The department may finance only the portion of housing projects**  
5 **consisting of units rented to households with an income below 120**  
6 **percent of the area median income, as defined in ORS 458.610.** The  
7 **department shall, by rule, adopt a methodology for allocating the af-**  
8 **fordable housing portion of a housing project's shared costs, including**  
9 **infrastructure and parking.** For a housing project financed by the de-  
10 **partment, the council may establish a minimum ratio or number of**  
11 **units that will be rented to households with an income below 120 per-**  
**cent of the area median income.** If the income level in any unit exceeds  
120 percent of the **area median [family]** income, the department shall, to the  
extent practicable, require that the project, development or other housing  
financed by the department have a percentage of low income units that is  
higher than the minimum percentages established in ORS 456.120 (19) for  
projects financed by local housing authorities or income limitations that are  
lower than the limits described in ORS 456.120 (19) or a combination thereof.  
Income limits for department programs administered on a statewide basis  
may be established by reference to the **area median [family or personal in-**  
*come in the state, or in various regions in the state, as determined by the de-*  
**partment] income.** This subsection does not restrict the acquisition of  
manufactured dwelling parks.

24 “(5) With the approval of the council, ensure that financing is provided  
25 in the department’s programs for manufactured housing and for the purchase  
26 of lots described in ORS 92.840 by manufactured dwelling park tenants.

27       **“SECTION 2.** ORS 456.605 is amended to read:

28       “456.605. (1) The Housing and Community Services Department may es-  
29 tablish and implement mortgage credit certificate programs to make avail-  
30 able income tax credits for indebtedness incurred on acquisition,

1 improvement or rehabilitation of a principal residence. Under this program,  
2 the department may issue tax credit certificates to persons and families with  
3 incomes equal to or lower than the median family income [*as calculated un-*  
4 *der ORS 456.620 (4)*] **limits established by the department.**

5       “(2) If the department elects to issue federal income tax credit certif-  
6 icates, the director shall certify that each mortgage credit certificate pro-  
7 gram meets the requirements of Section 25 of the Internal Revenue Code as  
8 amended and in effect on December 31, 1996. The department shall make the  
9 determination of the amount of qualified mortgage bonds that will not be  
10 issued so as to allow the issuance of mortgage credit certificates.

11       “(3) If the Director of the Housing and Community Services Department  
12 determines that the mortgage credit certificate program is not effective with  
13 the median family income limitation established in subsection (1) of this  
14 section, the director may issue tax credit certificates to persons and families  
15 with incomes up to a percent of median family income determined appropri-  
16 ate by the Emergency Board, if the person or families otherwise qualify for  
17 the program.

18       **“SECTION 3.** ORS 456.690 is amended to read:

19       “456.690. (1) Upon a finding made by the Oregon Housing Stability  
20 Council that the supply of funds available through lending institutions for  
21 the financing of residential loans for the acquisition, construction, improve-  
22 ment or rehabilitation of housing units, manufactured dwellings, manufac-  
23 tured dwelling parks, manufactured dwelling park nonprofit cooperatives or  
24 housing projects for persons and families whose income does not exceed  
25 maximum [*household*] **median family** income limits established by the  
26 Housing and Community Services Department [*under ORS 456.620 (4)*] is in-  
27 adequate, the department may make loans to lending institutions in this  
28 state for the purpose of providing funds to such institutions for the financing  
29 of residential housing units, manufactured dwellings, manufactured dwelling  
30 parks, manufactured dwelling park nonprofit cooperatives or housing

1 projects, for persons and families whose income does not exceed maximum  
2 [household] **median family** income limits established by the department  
3 [under ORS 456.620 (4)].

4 “(2)(a) The department, subject to existing agreements with bondholders,  
5 may make privately or federally insured or guaranteed loans for the reha-  
6 bilitation or improvement of existing single-family homes for persons and  
7 families of lower income, manufactured dwellings for persons and families  
8 of lower income or manufactured dwelling parks and manufactured dwelling  
9 park nonprofit cooperatives that the department determines have a signif-  
10 icant percentage of residents who are persons of lower income, if the de-  
11 partment finds that:

12 “(A) The supply of funds available through private lending institutions  
13 for that purpose is inadequate; and

14 “(B) The housing may be rehabilitated or improved to provide adequate,  
15 safe and sanitary residential housing.

16 “(b) The department may cooperate with qualified housing sponsors in the  
17 development and implementation of such loan programs. Loans made by the  
18 department under this subsection shall be made for single-family homes.

19 “(3) Prior to the making of any loan under this section, the department,  
20 with the approval of the council, shall adopt rules governing the making of  
21 such loans, including but not limited to:

22 “(a) Procedures for the submission, review and approval of requests for  
23 loans under this section.

24 “(b) Standards and requirements for the allocation of loan moneys avail-  
25 able among eligible borrowers and the determination of the terms, conditions  
26 and interest rates for such loans.

27 “(c) Limitations, if any, on the number of housing units or projects, type  
28 of housing units or projects and any other characteristics for the eligibility  
29 of housing units or projects for such financing.

30 “(d) Restrictions, if any, on the interest rates to be charged by lending

1 institutions on loans made from such loan proceeds and the return to be re-  
2 alized by the lending institution therefrom.

3       “(e) Commitment requirements applied to residential mortgage financing  
4 by lending institutions from the proceeds of such loans.

5       “(f) Schedules of fees and charges to be made by the department in ac-  
6 cepting, reviewing and acting upon applications for loans under this section.

7       “(4) The department shall administer the loan program for rehabilitation  
8 or improvement of existing single-family homes for persons and families of  
9 lower income in accordance with the following requirements and loan crite-  
10 ria:

11       “(a) Eligibility for a loan shall be based on current department income  
12 limitations.

13       “(b) A loan may be assumed only by another person of lower income.

14       “(c) The single-family home for which a loan is made must be owner-  
15 occupied.

16       “(d) The maximum principal amount of a single loan is \$15,000.

17       “(e) An eligible borrower shall have only one loan outstanding under this  
18 program at any one time.

19       “(f) An eligible improvement including, but not limited to, a remodeling  
20 project shall be defined by rule and the provisions of the Revenue Adjust-  
21 ments Act of 1980 (Public Law 96-499), as adopted December 5, 1980, shall  
22 be recognized in that definition.

23       “(g) Loans shall be made in accordance with a distribution of population  
24 between urban and rural areas that takes the availability of alternative re-  
25 sources into account.

26       “(h) The department shall work with qualified housing sponsors whenever  
27 it is appropriate to do so.

28       “(5) All loans made and all rules adopted under this section shall be de-  
29 signed by the department, with the approval of the council, to expand the  
30 supply of funds available in this state for the financing of residential housing

1 units, manufactured dwellings, manufactured dwelling parks, manufactured  
2 dwelling park nonprofit cooperatives and housing projects, for persons and  
3 families whose income does not exceed maximum [*household*] **median family**  
4 income limits established by the department [*under ORS 456.620 (4)*], to  
5 provide an adequate supply of safe and sanitary units of such housing, and  
6 to promote the effective participation of conventional lending institutions in  
7 the financing of such housing and restrict the financial return and benefit  
8 to such lenders to that which is necessary and reasonable to induce their  
9 participation under this section.

10       “(6) In making loans under this section, the department, with the approval  
11 of the council, may prescribe such terms, conditions, maturity dates and in-  
12 terest rate provisions as it considers necessary.”.

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