

HB 4063-9
(LC 40)
2/14/24 (RLM/ps)

Requested by HOUSE COMMITTEE ON HOUSING AND HOMELESSNESS (at the request of Representative Maxine Dexter)

**PROPOSED AMENDMENTS TO
HOUSE BILL 4063**

1 On page 1 of the printed bill, line 2, after “ORS” delete the rest of the
2 line and delete lines 3 through 5 and insert “92.031, 92.305, 92.325, 92.425,
3 184.451, 184.453, 184.455, 197.320, 197.480, 197.492, 197.522, 197A.015, 197A.018,
4 197A.025, 197A.210, 197A.215, 197A.300, 197A.302, 197A.325, 197A.335,
5 197A.348, 197A.362, 215.427, 227.178, 307.674, 307.681, 308.875, 446.571, 446.626,
6 446.736 and”.

7 On page 2, delete lines 21 through 30 and insert:

8 “(9) ‘Metro urban unincorporated lands’ means lands within the Metro
9 urban growth boundary that are identified by the county as:

10 “(a) Not within a city;

11 “(b) Zoned for urban development;

12 “(c) Within the boundaries of a sanitary district or sanitary authority
13 formed under ORS chapter 450 or a district formed for the purposes of sew-
14 age works under ORS chapter 451;

15 “(d) Within the service boundaries of a water provider with a water sys-
16 tem subject to regulation as described in ORS 448.119; and

17 “(e) Not zoned with a designation that maintains the land’s potential for
18 future urbanization.”.

19 On page 4, lines 5 and 6, delete the boldfaced material and insert “For
20 Metro urban unincorporated lands, as defined in ORS 197A.015, the depart-
21 ment shall make one allocation for each county in Metro.”.

1 On page 5, delete lines 8 through 22 and insert:

2 “(B) For an application relating to development of housing, upon the re-
3 quest of the applicant, those standards and criteria that are operative at the
4 time of the request.

5 “(b) If an applicant requests review under different standards as provided
6 in paragraph (a)(B) of this subsection:

7 “(A) For the purposes of this section, any applicable timelines for com-
8 pleteness review and final decisions restart as if a new application were
9 submitted on the date of the request;

10 “(B) For the purposes of this section and ORS 197A.470 the application
11 is not deemed complete until:

12 “(i) The county determines that additional information is not required
13 under subsection (2) of this section; or

14 “(ii) The applicant makes a submission under subsection (2) of this section
15 in response to a county’s request;

16 “(C) A county may deny a request under paragraph (a)(B) of this sub-
17 section if:

18 “(i) The county has issued a public notice of the application; or

19 “(ii) A request under paragraph (a)(B) of this subsection was previously
20 made; and

21 “(D) The county may not require that the applicant:

22 “(i) Pay a fee, except to cover additional costs incurred by the county to
23 accommodate the request;

24 “(ii) Submit a new application or duplicative information, unless infor-
25 mation resubmittal is required because the request affects or changes infor-
26 mation in other locations in the application or additional narrative is
27 required to understand the request in context; or”.

28 On page 7, delete lines 2 through 16 and insert:

29 “(B) For an application relating to development of housing, upon the re-
30 quest of the applicant, those standards and criteria that are operative at the

1 time of the request.

2 “(b) If an applicant requests review under different standards as provided
3 in paragraph (a)(B) of this subsection:

4 “(A) For the purposes of this section, any applicable timelines for com-
5 pleteness review and final decisions restart as if a new application were
6 submitted on the date of the request;

7 “(B) For the purposes of this section and ORS 197A.470 the application
8 is not deemed complete until:

9 “(i) The city determines that additional information is not required under
10 subsection (2) of this section; or

11 “(ii) The applicant makes a submission under subsection (2) of this section
12 in response to a city’s request; and

13 “(C) A city may deny a request under paragraph (a)(B) of this subsection
14 if:

15 “(i) The city has issued a public notice of the application; or

16 “(ii) A request under paragraph (a)(B) of this subsection was previously
17 made; and

18 “(D) The city may not require that the applicant:

19 “(i) Pay a fee, except to cover additional costs incurred by the city to
20 accommodate the request;

21 “(ii) Submit a new application or duplicative information, unless infor-
22 mation resubmittal is required because the request affects or changes infor-
23 mation in other locations in the application or additional narrative is
24 required to understand the request in context; or”.

25 On page 9, delete lines 35 through 45 and delete pages 10 through 16.

26 On page 17, delete lines 1 through 13 and insert:

27 **“SECTION 10.** ORS 92.031 is amended to read:

28 “92.031. (1) As used in this section, ‘middle housing land division’ means
29 a partition or subdivision of a lot or parcel on which the development of
30 middle housing is allowed under ORS 197A.420 (2) or (3).

1 “(2) A city or county shall approve a tentative plan for a middle housing
2 land division if the application includes:

3 “(a) A proposal for development of middle housing in compliance with the
4 Oregon residential specialty code and land use regulations applicable to the
5 original lot or parcel allowed under ORS 197A.420 (5);

6 “(b) Separate utilities for each dwelling unit;

7 “(c) Proposed easements necessary for each dwelling unit on the plan for:

8 “(A) Locating, accessing, replacing and servicing all utilities;

9 “(B) Pedestrian access from each dwelling unit to a private or public
10 road;

11 “(C) Any common use areas or shared building elements;

12 “(D) Any dedicated driveways or parking; and

13 “(E) Any dedicated common area;

14 “(d) Exactly one dwelling unit on each resulting lot or parcel, except for
15 lots, parcels or tracts used as common areas; and

16 “(e) Evidence demonstrating how buildings or structures on a resulting
17 lot or parcel will comply with applicable building codes provisions relating
18 to new property lines and, notwithstanding the creation of new lots or par-
19 cels, how structures or buildings located on the newly created lots or parcels
20 will comply with the Oregon residential specialty code.

21 “(3) A city or county may add conditions to the approval of a tentative
22 plan for a middle housing land division to:

23 “(a) Prohibit the further division of the resulting lots or parcels.

24 “(b) Require that a notation appear on the final plat indicating that the
25 approval was given under this section.

26 “(4) In reviewing an application for a middle housing land division, a city
27 or county:

28 “(a) Shall apply the procedures under ORS 197.360 to 197.380.

29 “(b) May require street frontage improvements where a resulting lot or
30 parcel abuts the street consistent with land use regulations implementing

1 ORS 197A.420.

2 “(c) May not subject an application to approval criteria except as pro-
3 vided in this section, including that a lot or parcel require driveways, vehicle
4 access, parking or minimum or maximum street frontage.

5 “(d) May not subject the application to procedures, ordinances or regu-
6 lations adopted under ORS 92.044 or 92.046 that are inconsistent with this
7 section or ORS 197.360 to 197.380.

8 “(e) May allow the submission of an application for a middle housing land
9 division at the same time as the submission of an application for building
10 permits for the middle housing.

11 “(f) May require the dedication of right of way if the original parcel did
12 not previously provide a dedication.

13 “(5) The type of middle housing developed on the original parcel is not
14 altered by a middle housing land division.

15 “(6) Notwithstanding ORS 197A.425 (1), a city or county is not required
16 to allow an accessory dwelling unit on a lot or parcel resulting from a mid-
17 dle housing land division.

18 **“(7) Notwithstanding any other provision of ORS 92.010 to 92.192,**
19 **within the same calendar year as an original partition, a city or**
20 **county may allow one of the resulting vacant parcels to be further**
21 **divided into not more than three parcels through a middle housing**
22 **land division, provided that:**

23 **(a) The original partition was not a middle housing land division;**
24 **and**

25 **(b) The original parcel or parcels not divided will not be part of the**
26 **resulting partition plat for the middle housing land division.**

27 “[7] (8) The tentative approval of a middle housing land division is void
28 if and only if a final subdivision or partition plat is not approved within
29 three years of the tentative approval. Nothing in this section or ORS 197.360
30 to 197.380 prohibits a city or county from requiring a final plat before issuing

1 building permits.

2 **“SECTION 11.** ORS 92.325 is amended to read:

3 “92.325. *[(1) Except as provided in subsection (2) of this section, no person*
4 *shall]* **A person may not** sell or lease any subdivided lands or series parti-
5 tioned lands without having complied with all the applicable provisions of
6 ORS 92.305 to 92.495[.]

7 “[*(2) With respect to a developer, chapter 643, Oregon Laws 1975, applies*
8 *only to a developer who acquires a lot, parcel or interest in a subdivision or*
9 *series partition for which a public report has been issued after September 13,*
10 *1975, and a developer who acquires a lot or parcel in a subdivision for which*
11 *a revised public report has been issued under ORS 92.410.]*

12 “[*(3) Except as otherwise provided in paragraph (g) of this subsection,*]
13 **except that:**

14 (1) ORS 92.305 to 92.495 do not apply to the sale or leasing of:

15 “(a) Apartments or similar space within an apartment building;

16 “(b) Cemetery lots, parcels or units in Oregon;

17 “(c) Subdivided lands and series partitioned lands in Oregon that are not
18 in unit ownership or being developed as unit ownerships created under ORS
19 chapter 100, to be used for residential purposes and that qualify under ORS
20 92.337;

21 “(d) Property submitted to the provisions of ORS chapter 100;

22 “(e) Subdivided lands and series partitioned lands in Oregon expressly
23 zoned for and limited in use to nonresidential industrial or nonresidential
24 commercial purposes;

25 “(f) Lands in this state sold by lots or parcels of not less than 160 acres
26 each;

27 “(g) Timeshares regulated or otherwise exempt under ORS 94.803 and
28 94.807 to 94.945;

29 “[*(h) Subdivided and series partitioned lands in a city or county which, at*
30 *the time tentative approval of a subdivision plat and each partition map for*

1 *those lands is given under ORS 92.040 or an ordinance adopted under ORS*
2 *92.046, has a comprehensive plan and implementing ordinances that have been*
3 *acknowledged under ORS 197.251. The subdivider or series partitioner of such*
4 *lands shall comply with ORS 92.425, 92.427, 92.430, 92.433, 92.460 and 92.485*
5 *in the sale or leasing of such lands; or]*

6 “~~(i)~~ **(h)** Mobile home or manufactured dwelling parks, as defined in ORS
7 446.003, located in Oregon[.];

8 **“(i) Planned community subdivision of manufactured dwellings or**
9 **mobile homes created under ORS 92.830 to 92.845;**

10 **“(j) Lots or parcels created from an expedited land division under**
11 **ORS 197.360; or**

12 **“(k) Lots or parcels created from a middle housing land division**
13 **under ORS 92.031.**

14 **“(2) The subdivider or series partitioner of subdivided and series**
15 **partitioned lands in a city or county which, at the time tentative ap-**
16 **proval of a subdivision plat and each partition map for those lands is**
17 **given under ORS 92.040 or an ordinance adopted under ORS 92.046, has**
18 **a comprehensive plan and implementing ordinances that have been**
19 **acknowledged under ORS 197.251 must only comply with ORS 92.425,**
20 **92.427, 92.430, 92.433, 92.460 and 92.485 in the sale or leasing of such**
21 **lands.**

22 **“SECTION 12.** ORS 92.305 is amended to read:

23 “92.305. As used in ORS 92.305 to 92.495:

24 “(1) ‘Blanket encumbrance’ means a trust deed or mortgage or any other
25 lien or encumbrance, mechanic’s lien or otherwise, securing or evidencing
26 the payment of money and affecting more than one interest in subdivided or
27 series partitioned land, or an agreement affecting more than one such lot,
28 parcel or interest by which the subdivider, series partitioner or developer
29 holds such subdivision or series partition under an option, contract to sell
30 or trust agreement.

1 “(2) ‘Commissioner’ means the Real Estate Commissioner.

2 “(3)(a) [*Except as otherwise provided in ORS 92.325 (2),*] ‘Developer’ means
3 a person who purchases a lot, parcel or interest in a subdivision or series
4 partition that does not have a single family residential dwelling or duplex
5 thereon to construct a single family residential dwelling or duplex on the lot,
6 parcel or interest and to resell the lot, parcel or interest and the dwelling
7 or duplex for eventual residential use purposes. ‘Developer’ also includes a
8 person who purchases a lot, parcel or other interest in a subdivision or series
9 partition that does not have a single family residential dwelling or duplex
10 thereon for resale to another person.

11 “(b) ‘Developer’ does not mean a ‘developer’ as that term is defined in
12 ORS 100.005.

13 “(4)(a) ‘Interest’ includes a lot or parcel, and a share, undivided interest
14 or membership which includes the right to occupy the land overnight, and
15 lessee’s interest in land for more than three years or less than three years
16 if the interest may be renewed under the terms of the lease for a total period
17 more than three years.

18 “(b) ‘Interest’ does not include any interest in a condominium as that
19 term is defined in ORS 100.005 or any security interest under a land sales
20 contract, trust deed or mortgage. ‘Interest’ does not include divisions of land
21 created by lien foreclosures or foreclosures of recorded contracts for the sale
22 of real property.

23 “(5) ‘Negotiate’ means any activity preliminary to the execution of a
24 binding agreement for the sale or lease of land in a subdivision or series
25 partition, including but not limited to advertising, solicitation and promotion
26 of the sale or lease of such land.

27 “(6) ‘Lot,’ ‘parcel’ and ‘partition’ have the meaning given those terms in
28 ORS 92.010.

29 “(7) ‘Person’ includes a natural person, a domestic or foreign corporation,
30 a partnership, an association, a joint stock company, a trust and any unin-

1 corporated organization. As used in [ORS 92.305 to 92.495] **this subsection**,
2 the term ‘trust’ includes a common law or business trust, but does not in-
3 clude a private trust or a trust created or appointed under or by virtue of
4 any last will and testament, or by a court.

5 “(8) ‘Real property sales contract’ means an agreement wherein one party
6 agrees to lease or to convey title to real property to another party upon the
7 satisfaction of specified conditions set forth in the contract.

8 “(9) ‘Sale’ or ‘lease’ includes every disposition or transfer of land in a
9 subdivision or a series partition, or an interest or estate therein, by a sub-
10 divider or series partitioner or a developer, or their agents, including the
11 offering of such property as a prize or gift when a monetary charge or con-
12 sideration for whatever purpose is required by the subdivider, series
13 partitioner or developer or their agents.

14 “(10) ‘Series partitioned lands’ and ‘series partition’ mean a series of
15 partitions of land located within this state resulting in the creation of four
16 or more parcels over a period of more than one calendar year.

17 “(11) ‘Series partitioner’ means any person who causes land to be series
18 partitioned into a series partition, or who undertakes to develop a series
19 partition, but does not include a public agency or officer authorized by law
20 to make partitions.

21 “(12)(a) ‘Subdivided lands’ and ‘subdivision’ mean improved or unim-
22 proved land or lands divided, or created into interests or sold under an
23 agreement to be subsequently divided or created into interests, for the pur-
24 pose of sale or lease, whether immediate or future, into 11 or more undivided
25 interests or four or more other interests. ‘Subdivided lands’ and
26 ‘subdivision’ include but are not limited to a subdivision of land located
27 within this state subject to an ordinance adopted under ORS 92.044 and do
28 not include series partitioned lands.

29 “(b) ‘Subdivided lands’ and ‘subdivision’ do not mean property submitted
30 to ORS 100.005 to 100.910 or property located outside this state which has

1 been committed to the condominium form of ownership in accordance with
2 the laws of the jurisdiction within which the property is located.

3 “(13) ‘Subdivider’ means any person who causes land to be subdivided into
4 a subdivision, or who undertakes to develop a subdivision, but does not in-
5 clude a public agency or officer authorized by law to make subdivisions.

6 **“SECTION 13.** ORS 92.425 is amended to read:

7 “92.425. (1) No lot, parcel or interest in a subdivision or series partition
8 shall be sold by a subdivider, series partitioner or developer by means of a
9 land sale contract unless a collection escrow is established within this state
10 with a person or firm authorized to receive escrows under the laws of this
11 state and all of the following are deposited in the escrow:

12 “(a) A copy of the title report or abstract, as it relates to the property
13 being sold.

14 “(b) The original sales document or an executed copy thereof relating to
15 the purchase of real property in the subdivision or series partition clearly
16 setting forth the legal description of the property being purchased, the
17 principal amount of the encumbrance outstanding at the date of the sales
18 document and the terms of the document.

19 “(c) A commitment to give a partial release for the lot, parcel or other
20 interest being sold from the terms and provisions of any blanket
21 encumbrance as described in ORS 92.305 (1). Except as otherwise provided
22 in subsection (4) of this section, the commitment shall be in a form satis-
23 factory to the Real Estate Commissioner.

24 “(d) A commitment to give a release of any other lien or encumbrance
25 existing against such lot, parcel or other interest being sold as revealed by
26 such title report. Except as otherwise provided in subsection (4) of this sec-
27 tion, the commitment shall be in a form satisfactory to the commissioner.

28 “(e) A warranty or bargain and sale deed in good and sufficient form
29 conveying merchantable and marketable title to the purchaser of such lot,
30 parcel or other interest.

1 “(2) The subdivider, series partitioner or developer shall submit written
2 authorization allowing the commissioner to inspect all escrow deposits es-
3 tablished pursuant to subsection (1) of this section.

4 “(3) In lieu of the procedures provided in subsection (1) of this section,
5 the subdivider, series partitioner or developer shall conform to such alter-
6 native requirement or method which the commissioner may deem acceptable
7 to carry into effect the intent and provisions of this section.

8 “(4) The requirements of subsection (1)(c) and (d) of this section relating
9 to use of a commitment form acceptable to the commissioner and the pro-
10 visions of subsection (2) of this section shall not apply to subdivided or series
11 partitioned lands described by ORS 92.325 [(3)(h)] (2).

12 “**NOTE:** Sections 14 through 16 were deleted by amendment. Subsequent
13 sections were not renumbered.”.

14 On page 18, delete lines 7 through 45 and delete pages 19 through 26.

15 On page 27, delete lines 1 through 13 and insert:

16 “**SECTION 18.** ORS 446.626 is amended to read:

17 “446.626. [(1) *The owner of a manufactured structure that qualifies under*
18 *this subsection may apply to the county assessor to have the structure recorded*
19 *in the deed records of the county. The application must be on a form approved*
20 *by the Department of Consumer and Business Services. The application must*
21 *include a description of the location of the real property on which the manu-*
22 *factured structure is or will be sited. If the structure is being sold by a man-*
23 *ufactured structure dealer, the dealer may file the application on behalf of the*
24 *owner within the time described in ORS 446.736 (7). A manufactured structure*
25 *qualifies for recording in the deed records if the owner of the structure:]*

26 “(1) **The owner of a manufactured structure may record in the deed**
27 **records for the county in which the structure is sited:**

28 “(a) **An application to have the manufactured structure recorded in**
29 **the deed records on the form that was approved by the Department**
30 **of Consumer and Business Services; or**

1 **“(b) An affidavit declaring that the manufactured structure is af-**
2 **fixed to the real property on which it is sited.**

3 **“(2) The application or affidavit under subsection (1) of this section**
4 **must include:**

5 **“(a) The structure’s owner, manufacturer, make, model, year built**
6 **and square footages;**

7 **“(b) A legal description of the real property to which the manufac-**
8 **tured structure is affixed and the county assessor’s property account**
9 **number for the real property;**

10 **“(c) Any unreleased security interest in the manufactured struc-**
11 **ture; and**

12 **“(d) A declaration that the owner of the manufactured structure:**

13 **“[(a)] (A) Also owns the land on which the manufactured structure is lo-**
14 **cated;**

15 **“[(b)] (B) Is the holder of a recorded leasehold estate of 20 years or more**
16 **if the lease specifically permits the manufactured structure owner to record**
17 **the structure under this section; or**

18 **“[(c)] (C) Is a member of a manufactured dwelling park nonprofit cooper-**
19 **ative formed under ORS 62.800 to 62.815 that owns the land on which the**
20 **manufactured structure is located.**

21 **“(3) If the manufactured structure is being sold by a manufactured**
22 **structure dealer, the dealer may file the application or affidavit under**
23 **subsection (1) of this section on behalf of the owner within the time**
24 **described in ORS 446.736 (7).**

25 **“[(2)] (4)(a) In reviewing an application submitted under subsection**
26 **(1)(a) of this section,** if the assessor, as agent for the department, deter-
27 mines that the manufactured structure qualifies for recording in the deed
28 records of the county, the assessor shall cause the structure to be recorded
29 in the deed records. *[The deed records must contain any unreleased security*
30 *interest in the manufactured structure.]*

1 **“(b) The affiant shall deliver a copy of an affidavit recorded under**
2 **subsection (1)(b) of this section to the county assessor.**

3 **“(5)(a)** If the department has issued an ownership document for the
4 manufactured structure, the owner [*must*] **shall:**

5 **“(A)** Submit the ownership document to the assessor with the application
6 described in subsection [(1)] **(1)(a)** of this section[.]; **or**

7 **“(B) Deliver the ownership document along with the recorded affi-**
8 **davit under subsection (1)(b) of this section to the department for**
9 **cancellation.**

10 **“(b)** Upon recording the manufactured structure in the deed records, the
11 assessor **described in paragraph (a)(A) of this subsection** shall send the
12 ownership document to the department for cancellation.

13 **“(c)** The department shall cancel the ownership document and send con-
14 firmation of the cancellation to the assessor and the owner.

15 **“[(3)] (6)** The recording of a security interest in the deed records of the
16 county under this section satisfies the requirements for filing a financing
17 statement for a fixture to real property under ORS 79.0502. The recording
18 of a manufactured structure in the deed records of the county is independent
19 of the assessment and taxation of the structure as real property under ORS
20 308.875. The recording of a manufactured structure in the deed records of the
21 county makes the structure subject to the same provisions of law applicable
22 to any other building, housing or structure on the land. However, the man-
23 ufactured structure may not be sold separately from the land or leasehold
24 estate unless the owner complies with subsection [(4)] **(7)** of this section.

25 **“[(4)] (7)** The owner of a manufactured structure that is recorded in the
26 deed records of the county may apply to have the structure removed from the
27 deed records and an ownership document issued for the structure. Unless the
28 manufactured structure is subject to ORS 446.631, the owner must apply to
29 the county assessor, as agent for the department, for an ownership document
30 as provided in ORS 446.571. Upon approval of the application, the assessor

1 shall terminate the recording of the manufactured structure in the deed re-
2 cords.

3 “[5] **(8)** If a manufactured structure described in subsection [(1)(b) or
4 (c)] **(2)(d)(B) or (C)** of this section is recorded in the deed records, the owner
5 of the structure has a real property interest in the manufactured structure
6 for purposes of:

7 “(a) Recordation of documents pursuant to ORS 93.600 to 93.802, 93.804,
8 93.806 and 93.808;

9 “(b) Deed forms pursuant to ORS 93.850 to 93.870;

10 “(c) Mortgages, trust deeds and other liens pursuant to ORS chapters 86,
11 87 and 88; and

12 “(d) Real property tax collection pursuant to ORS chapters 311 and 312.
13 The **manufactured** structure owner is considered the owner of the real
14 property for purposes of assessing the structure under ORS 308.875.

15 **“SECTION 19.** ORS 308.875 is amended to read:

16 “308.875. (1) If a manufactured structure and the land upon which the
17 manufactured structure is situated are owned by the same person, **or the**
18 **owner of the structure has recorded an affidavit under ORS 446.626**
19 **(1)(b)**, the assessor shall assess the manufactured structure as real property.

20 “(2) [*If a manufactured structure is owned separately and apart from the*
21 *land upon which it is located,*] The assessor shall assess and tax [*the*] **any**
22 **manufactured structure not described in subsection (1) of this section** as
23 personal property.

24 “(3) A change in the property classification of a manufactured structure
25 for ad valorem tax purposes does not change the property classification of
26 the structure with respect to any transactions between the owner and secu-
27 rity interest holders or other persons.

28 **“SECTION 20.** ORS 446.736 is amended to read:

29 “446.736. (1) Except as provided in subsection (7) of this section, a manu-
30 factured structure dealer who transfers an interest in a manufactured struc-

1 ture shall:

2 “(a) Submit to the Department of Consumer and Business Services an
3 application for an ownership document on behalf of the purchaser; or

4 “(b) If the purchase is being financed, submit sufficient information to a
5 lender to allow the lender to make an application to the department for an
6 ownership document.

7 “(2) An application under subsection (1) of this section must be on a form
8 approved by the department and include:

9 “(a) The year, manufacturer’s name, model if available and identification
10 number for the manufactured structure.

11 “(b) Any existing ownership document for the **manufactured** structure
12 or, if none, the manufacturer’s certificate of origin or other document evi-
13 dencing ownership of the manufactured structure.

14 “(c) The legal description or street address for the proposed situs for the
15 manufactured structure.

16 “(d) The identity of the owner of record for the location where the man-
17 ufactured structure is being sited or, if the structure is being sited in a fa-
18 cility as defined in ORS 90.100, the name of the facility.

19 “(e) The name and mailing address of each person acquiring an ownership
20 interest in the manufactured structure.

21 “(f) The name and mailing address of each person acquiring a security
22 interest in the manufactured structure.

23 “(g) Any other information required by the department by rule for pro-
24 cessing an application.

25 “(3) If a manufactured structure dealer is unable to comply with sub-
26 section (1) of this section, within 25 business days of the transfer the dealer
27 shall provide a notice of delay to the security interest holder next named,
28 if any, and the purchaser. The notice must contain:

29 “(a) The reason for the delay;

30 “(b) The anticipated extent of the delay; and

1 “(c) A statement of the rights and remedies available to the purchaser if
2 the delay becomes unreasonably extended.

3 “(4) A manufactured structure dealer that fails to comply with this sec-
4 tion is subject to revocation or suspension of the dealer’s license or being
5 placed on probation by the Department of Consumer and Business Services
6 pursuant to ORS 446.741. A dealer that fails to comply with subsection (1)
7 of this section within 90 days is subject to criminal penalties under ORS
8 446.746 (1)(h).

9 “(5) Notwithstanding subsections (1) and (4) of this section, if a purchaser
10 is not in compliance with the payment terms of a purchase agreement on the
11 20th calendar day after the transfer, the dealer is not required to perform
12 under subsection (1) of this section until 25 calendar days after the purchaser
13 is in compliance with the payment terms of the purchase agreement. This
14 subsection does not excuse the duty of the dealer under subsection (3) of this
15 section.

16 “(6) This section does not apply to a transfer of interest in a manufac-
17 tured structure that is subject to an escrow transaction.

18 “(7) This section does not apply to a manufactured structure for which
19 an application **or affidavit** is filed under ORS 446.626 within 25 business
20 days of the transfer.

21 “**NOTE:** Sections 21 through 24 were deleted by amendment. Subsequent
22 sections were not renumbered.”.

23 On page 27, line 31, after “addition,” insert “on or before the deadline set
24 forth in ORS 307.512,”.

25