

SENATE AMENDMENTS TO A-ENGROSSED HOUSE BILL 4128

By COMMITTEE ON HOUSING AND DEVELOPMENT

February 25

1 On page 1 of the printed A-engrossed bill, line 2, before the period insert “; creating new pro-
2 visions; and amending ORS 180.095”.

3 In line 13, after “investor” insert “, or an entity that receives funding from an institutional real
4 estate investor,”.

5 On page 2, line 11, after “unit” insert “, not including any type of middle housing as defined in
6 ORS 197A.420”.

7 In line 13, delete “any interest in” and insert “fee title to”.

8 In line 22, delete “or”.

9 After line 22, insert:

10 “(f) Is acquired through a judicial or nonjudicial foreclosure sale, forfeiture, a deed in lieu of
11 foreclosure or the enforcement of a judgment, lien, debt or property interest; or”.

12 In line 23, delete “(f)” and insert “(g)”.

13 In line 27, delete “(1)(f)” and insert “(1)(g)”.

14 In line 29, delete “(5)” and insert “(4)”.

15 Delete lines 36 through 45.

16 On page 3, delete line 1.

17 In line 2, delete “(5)” and insert “(4)”.

18 On page 4, after line 8, insert:

19 **“SECTION 3. (1) The Attorney General may bring a civil action in the name of the State**
20 **of Oregon against a covered entity to enforce section 2 of this 2026 Act, including an action**
21 **for declaratory relief, an injunction to restrain a threatened or actual violation of section 2**
22 **(1) or (2) of this 2026 Act or an action to otherwise compel compliance with section 2 of this**
23 **2026 Act. The civil action must be brought in the Circuit Court of Marion County or the**
24 **circuit court of the county in which a violation occurs.**

25 **“(2) The Attorney General may serve an investigative demand upon any person that**
26 **possess, controls or has custody of any information, document or other material that the**
27 **Attorney General determines is relevant to an investigation of a violation of section 2 (1) or**
28 **(2) of this 2026 Act or that could lead to the discovery of relevant information. An investi-**
29 **gative demand may require the person to:**

30 **“(a) Appear and testify under oath at the time and place stated in the investigative de-**
31 **mand;**

32 **“(b) Answer written interrogatories; or**

33 **“(c) Produce relevant documents or physical evidence for examination at the time and**
34 **place stated in the investigative demand.**

35 **“(3) The Attorney General shall serve an investigative demand under this section as**

1 provided in ORS 646.622 and may enforce the investigative demand as provided in ORS
2 646.626.

3 “(4) If, after an investigation, the Attorney General finds that a covered entity has vio-
4 lated section 2 of this 2026 Act, the Attorney General may impose a civil penalty against the
5 covered entity under ORS 183.745 of:

6 “(a) An amount not to exceed \$250,000 for acquiring or purchasing property in violation
7 of section 2 (1) of this 2026 Act; and

8 “(b) An amount not to exceed \$10,000 for failure to submit any form required under sec-
9 tion 2 (2) of this 2026 Act.

10 “(5) In any civil action brought under this section in which the Attorney General prevails
11 or investigation in which civil penalties are imposed under this section, a court may award
12 the Attorney General the costs of investigation and reasonable attorney fees upon sub-
13 mission by the Attorney General of a petition to the court.

14 “(6) The Attorney General shall deposit any moneys recovered under this section into the
15 Department of Justice Protection and Education Revolving Account created under ORS
16 180.095.

17 “**SECTION 4.** ORS 180.095 is amended to read:

18 “180.095. (1) The Department of Justice Protection and Education Revolving Account is created
19 in the General Fund. All moneys in the account are continuously appropriated to the Department
20 of Justice and may be used to pay for only the following activities:

21 “(a) Restitution and refunds in proceedings described in paragraph (c) of this subsection;

22 “(b) Consumer and business education relating to the laws governing antitrust and unlawful
23 trade practices; and

24 “(c) Personal services, travel, meals, lodging and all other costs and expenses incurred by the
25 department in investigating, preparing, commencing and prosecuting the following actions and suits,
26 and enforcing judgments, settlements, compromises and assurances of voluntary compliance arising
27 out of the following actions and suits:

28 “(A) Actions and suits under the state and federal antitrust laws;

29 “(B) Actions and suits under ORS 336.184 and 646.605 to 646.656;

30 “(C) Actions commenced under ORS 59.331;

31 “(D) Actions and suits under ORS 180.750 to 180.785;

32 “(E) Actions and suits under ORS 646A.025;

33 “(F) Actions commenced under ORS 646A.589;

34 “(G) Actions and suits under ORS 646A.859; [and]

35 “(H) Actions and suits commenced under ORS 180.060[.]; and

36 “(I) Actions and suits under section 3 of this 2026 Act.

37 “(2) Moneys in the Department of Justice Protection and Education Revolving Account are not
38 subject to allotment. Upon request of the Attorney General, the State Treasurer shall create sub-
39 accounts within the account for the purposes of managing moneys in the account and allocating
40 those moneys to the activities described in subsection (1) of this section.

41 “(3) Except as otherwise provided by law, all sums of money received by the Department of
42 Justice under a judgment, settlement, compromise or assurance of voluntary compliance, including
43 damages, restitution, refunds, attorney fees, costs, disbursements and other recoveries, but excluding
44 civil penalties under ORS 646.642, in proceedings described in subsection (1)(c) of this section shall,
45 upon receipt, be deposited with the State Treasurer to the credit of the Department of Justice Pro-

1 tection and Education Revolving Account. However, if the action or suit was based on an expendi-
2 ture or loss from a public body or a dedicated fund, the amount of such expenditure or loss, after
3 deduction of attorney fees and expenses awarded to the department by the court or agreed to by the
4 parties, if any, shall be credited to the public body or dedicated fund and the remainder thereof
5 credited to the Department of Justice Protection and Education Revolving Account.

6 “(4) If the Department of Justice recovers restitution or refunds in a proceeding described in
7 subsection (1)(c) of this section, and the department cannot determine the persons to whom the
8 restitution or refunds should be paid or the amount of the restitution or refund payable to individual
9 claimants is de minimis, the restitution or refunds may not be deposited in the Department of Justice
10 Protection and Education Revolving Account and shall be deposited in the General Fund.

11 “(5) Before April 1 of each odd-numbered year, the Department of Justice shall report to the
12 Joint Committee on Ways and Means:

13 “(a) The department’s projection of the balance in the Department of Justice Protection and
14 Education Revolving Account at the end of the biennium in which the report is made and at the end
15 of the following biennium;

16 “(b) The amount of the balance held for restitution and refunds;

17 “(c) An estimate of the department’s anticipated costs and expenses under subsection (1)(b) and
18 (c) of this section for the biennium in which the report is made and for the following biennium; and

19 “(d) Any judgment, settlement, compromise or other recovery, the proceeds of which are used
20 for purposes other than:

21 “(A) For deposit into the Department of Justice Protection and Education Revolving Account;
22 or

23 “(B) For payment of legal costs related to the judgment, settlement, compromise or other re-
24 covery.

25 “(6) The Joint Committee on Ways and Means, after consideration of recommendations made by
26 the Department of Justice, shall use the information reported under subsection (5) of this section to
27 determine an appropriate balance for the revolving account.”.

28 In line 9, delete “3” and insert “5”.