

B-Engrossed
House Bill 2530

Ordered by the Senate May 28
Including House Amendments dated April 16 and Senate Amendments
dated May 28

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

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Requires persons who send or serve certain documents related to termination of tenancy, forcible entry or detainer[, *overdue loan payments for loans secured by residential real property*] and residential foreclosures to include certain information regarding assistance that may be available to veterans of armed forces.

Directs Department of Veterans' Affairs and Housing and Community Services Department to jointly submit written report on veterans' housing programs to interim House committee related to veterans.

A BILL FOR AN ACT

1
2 Relating to housing for veterans; creating new provisions; and amending ORS 86.756 and 105.113.

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

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

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

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

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

14 (2) **This section applies to the following documents:**

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

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

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

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

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

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

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

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.

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.

1 • If both of you show up:

2
3 • The judge may ask you to try to reach an agreement with your landlord, but this is vol-
4 untary. Trained mediators may be available free of charge to help resolve disputes.

5
6 • The court will schedule a trial if you and your landlord do not reach an agreement or if
7 you do not agree to move out.

8
9 IF YOU WANT A TRIAL, YOU MUST:

10
11 • Show up in court at the time scheduled above;

12
13 • On the same day, file an Answer with the Court giving a legal reason why you should not be
14 evicted (the Court can give you a form);

15
16 • Give a copy of the Answer to your landlord (or your landlord’s agent or attorney); and

17
18 • Pay a filing fee of \$_____ (the judge may allow payment to be deferred in certain circum-
19 stances).

20
21 IF YOU HAVE QUESTIONS, YOU SHOULD SEE AN ATTORNEY IMMEDIATELY. If you need
22 help finding an attorney, you can contact the Oregon State Bar’s Lawyer Referral Service online
23 at www.oregonstatebar.org or by calling 503-684-3763 (in the Portland metropolitan area) or toll-free
24 elsewhere in Oregon at 800-452-7636.

25
26 _____
27 Signature of Plaintiff (landlord or agent)

28
29 Plaintiff’s address:
30
31 _____
32
33 _____

34
35 Plaintiff’s telephone number: _____
36
37
38 _____

39
40 **(2) Except as provided in section 1 (3) of this 2019 Act, the information required under**
41 **section 1 of this 2019 Act must be included with the summons.**

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

43 **SECTION 6. Except as provided in section 1 (3) of this 2019 Act, the information required**
44 **under section 1 of this 2019 Act must be included with a summons in an action under ORS**
45 **88.010 to foreclose a lien upon residential real property, as defined in section 1 of this 2019**

1 **Act.**

2 **SECTION 7.** ORS 86.756 is amended to read:

3 86.756. (1) If a notice of default is recorded for property that is subject to a residential trust
4 deed, the sender of a notice of sale under ORS 86.764 shall, on or before the date the notice of sale
5 is served or mailed, give notice under this section to the grantor by both first class and certified
6 mail with return receipt requested to all addresses on file with the sender for the grantor, including
7 post office boxes. Subject to any rules adopted under subsection (2) of this section, the notice must
8 be in substantially the following form and printed in at least 14-point type:

9 _____

10
11 NOTICE:
12 YOU ARE IN DANGER OF LOSING
13 YOUR PROPERTY IF YOU DO NOT
14 TAKE ACTION IMMEDIATELY

15
16 This notice is about your mortgage loan on your property at _____ (address).

17
18 Your lender has decided to sell this property because the money due on your mortgage loan has not
19 been paid on time or because you have failed to fulfill some other obligation to your lender. This
20 is sometimes called "foreclosure."

21
22 The amount you would have had to pay as of _____ (date) to bring your mortgage loan current
23 was \$_____. The amount you must now pay to bring your loan current may have increased since
24 that date.

25
26 By law, your lender has to provide you with details about the amount you owe, if you ask. You may
27 call _____ (telephone number) to find out the exact amount you must pay to bring your
28 mortgage loan current and to get other details about the amount you owe. You may also get these
29 details by sending a request by certified mail to: _____.

30
31 THIS IS WHEN AND WHERE
32 YOUR PROPERTY WILL BE SOLD
33 IF YOU DO NOT TAKE ACTION:

34
35 Date and time: _____, 2_____ at _____

36
37 Place: _____

38
39 THIS IS WHAT YOU CAN DO
40 TO STOP THE SALE:

- 41
42 1. You can pay the amount past due or correct any other default, up to five days before the sale.
43 2. You can refinance or otherwise pay off the loan in full anytime before the sale.
44 3. You can call _____ (name) at _____ (telephone number) to find out if your
45 lender is willing to give you more time or change the terms of your loan.

1 4. You can sell your home, provided the sale price is enough to pay what you owe.

2
3 There are government agencies and nonprofit organizations that can give you information about
4 foreclosure and help you decide what to do. For the name and telephone number of an organization
5 near you, please call the statewide telephone contact number at _____. You may also
6 wish to talk to a lawyer. If you need help finding a lawyer, you may call the Oregon State Bar's
7 Lawyer Referral Service at _____ or toll-free in Oregon at _____ or you may
8 visit its website at: _____. Legal assistance may be available if you have a low income
9 and meet federal poverty guidelines. For more information and a directory of legal aid programs,
10 go to _____.

11
12
13 WARNING: You may get offers from people who tell you they can help you keep your property. You
14 should be careful about those offers. Make sure you understand any papers you are asked to sign.
15 If you have any questions, talk to a lawyer or one of the organizations mentioned above before
16 signing.

17
18 DATED: _____, 2_____

19
20 Trustee name: _____ (print)

21
22 Trustee signature: _____

23
24 Trustee telephone number: _____
25 _____

26
27 (2) The Department of Consumer and Business Services may adopt rules prescribing the format,
28 font size and other physical characteristics of the notice form set forth in subsection (1) of this
29 section. The department shall adopt rules specifying the resource telephone contact numbers and
30 website addresses the sender is to insert in completing the notice.

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

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

35 (b) One or more telephone numbers consisting of:

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

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

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

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

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

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

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

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

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

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

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

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

17 (4) **Training of and coordination with state and local agencies on veterans' housing pro-**
18 **grams, including "Operation Welcome Home."**

19