

House Bill 2532

Sponsored by Representative WITT; Representatives LIVELY, SMITH WARNER (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 **as introduced**.

Requires lender, or agent or affiliate of lender, in any advertisement or communication intended as inducement to apply for or enter into reverse mortgage to include summary of certain provisions of reverse mortgage contract.

Becomes operative January 1, 2016.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to required disclosures in communications about reverse mortgages; creating new pro-
3 visions; amending ORS 86A.196; and declaring an emergency.

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

5 **SECTION 1.** ORS 86A.196 is amended to read:

6 86A.196. (1) Before entering into an agreement with a borrower for a reverse mortgage, the
7 lender shall notify the borrower in writing of the provisions of ORS 311.700 (2).

8 (2)(a) **In any advertisement, solicitation or communication that a lender or an agent or**
9 **affiliate of the lender intends as an inducement for a person to apply for or enter into a**
10 **contract for a reverse mortgage, the lender or the agent or affiliate of the lender shall in-**
11 **clude a clear and conspicuous summary of the terms of the reverse mortgage. The summary**
12 **must, at a minimum, disclose these provisions of the reverse mortgage loan contract to the**
13 **extent that the contract includes the provision:**

14 (A) **At the conclusion of the term of the reverse mortgage loan contract, some or all of**
15 **the equity in the property that is the subject of the reverse mortgage no longer belongs to**
16 **the person and the person may need to sell or transfer the property to repay the proceeds**
17 **of the reverse mortgage from the proceeds of the sale or transfer or the person must oth-**
18 **erwise repay the reverse mortgage with interest from the person's other assets.**

19 (B) **The lender will charge an origination fee, a mortgage insurance premium, closing**
20 **costs or servicing fees for the reverse mortgage, all or any of which the lender will add to**
21 **the balance of the reverse mortgage loan.**

22 (C) **The balance of the reverse mortgage loan grows over time and the lender charges**
23 **interest on the outstanding loan balance.**

24 (D) **The person retains title to the property that is the subject of the reverse mortgage**
25 **until the person sells or transfers the property and is therefore responsible for paying**
26 **property taxes, insurance, maintenance and related taxes. Failing to pay these amounts may**
27 **cause the reverse mortgage loan to become due immediately.**

28 (E) **Interest on a reverse mortgage is not deductible from the person's income tax return**
29 **until the person repays all or part of the reverse mortgage loan.**

30 (b) **As used in paragraph (a) of this subsection:**

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.

1 (A) "Clear and conspicuous" means:

2 (i) In larger type than the surrounding text or in a type, color or font that contrasts with
3 surrounding text of the same size or set off from surrounding text by symbols or other
4 marks in a manner that draws attention; or

5 (ii) Spoken in a volume and cadence that is sufficient to enable a reasonable person to
6 hear and understand.

7 (B) "Reverse mortgage" means a residential mortgage transaction in which the lender
8 provides loan proceeds to a borrower in a lump sum or in monthly installments with the
9 expectation that the borrower will repay the loan from the proceeds of a sale or transfer of
10 the real property that secures the loan.

11 **SECTION 2.** The amendments to ORS 86A.196 by section 1 of this 2015 Act apply to
12 mortgage loan transactions for a reverse mortgage that occur on or after the operative date
13 specified in section 3 of this 2015 Act.

14 **SECTION 3.** (1) The amendments to ORS 86A.196 by section 1 of this 2015 Act become
15 operative January 1, 2016.

16 (2) The Director of the Department of Consumer and Business Services, before the op-
17 erative date specified in subsection (1) of this section, may take any action that is necessary
18 to enable the director to exercise, on and after the operative date specified in subsection (1)
19 of this section, all of the duties, functions and powers conferred on the director by the
20 amendments to ORS 86A.196 by section 1 of this 2015 Act.

21 **SECTION 4.** This 2015 Act being necessary for the immediate preservation of the public
22 peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect
23 on its passage.

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