

**HOUSE MINORITY REPORT  
AMENDMENTS TO  
A-ENGROSSED HOUSE BILL 4143**

By Nonconcurring Members of COMMITTEE ON RULES

February 19

1 On page 1 of the printed A-engrossed bill, line 3, delete “declaring an emergency” and insert  
2 “prescribing an effective date”.

3 In line 5, delete “Section 2 of this 2016 Act is” and insert “Sections 2 and 8 of this 2016 Act  
4 are”.

5 On page 3, delete lines 21 through 28 and insert:

6 “(5) Notwithstanding subsections (3)(c) and (4)(b) of this section, the landlord or an agent of the  
7 landlord may terminate a month-to-month tenancy at any time by giving the tenant notice in writing  
8 not less than 30 days prior to the date designated in the notice for the termination of the tenancy  
9 if the landlord:

10 “(a) Dies;

11 “(b) Suffers a disability, as defined in ORS 315.262;

12 “(c) Becomes incapacitated, as defined in ORS 125.005, and a guardian or fiduciary has been  
13 appointed to make financial decisions on behalf of the landlord; or

14 “(d) Intends to care for a child or parent with a disability and:

15 “(A) The landlord wishes to occupy the premises personally with the child or parent; or

16 “(B) The landlord has accepted an offer to purchase the dwelling unit and has provided the  
17 tenant with notice in writing of the offer to purchase and a written attestation that the proceeds  
18 of the sale are necessary to provide the child or parent with residential care in a long term care  
19 facility, as that term is used in ORS chapter 443, or home care services or adult support services,  
20 both as defined in ORS 410.600.”.

21 On page 7, after line 17, insert:

22 “**SECTION 8. A local government ordinance, provision or regulation that requires a**  
23 **landlord to provide a tenant with written notice of a rent increase or termination of the**  
24 **tenancy that exceeds the notice period required by ORS 90.230 and 90.427 and section 2 of this**  
25 **2016 Act is void and unenforceable.**

26 “**SECTION 9. (1) As used in this section:**

27 “(a) ‘Affordable housing units’ means a development of two or more housing units that  
28 are rented at a rate not to exceed 30 percent of the median family income for a family of four  
29 residing within the county in which the housing units are located.

30 “(b) ‘Qualifying landowner’ means a person that is recognized as tax exempt under sec-  
31 tion 501(c)(3) of the Internal Revenue Code or a religious corporation as defined in ORS  
32 65.001.

33 “(c) ‘Rural residential land’ means land zoned for rural residential use or development.

34 “(2) Notwithstanding contrary provisions of law, statewide land use planning goals and

1 the administrative rules implementing those goals, a qualifying landowner may develop af-  
2 fordable housing units on rural residential land owned or held by the qualifying landowner.

3 “(3) A county with land use jurisdiction over rural residential land shall develop a process  
4 by which qualifying landowners may apply to the county to develop affordable housing units  
5 as permitted in this section.

6 “(4) A qualifying landowner that intends to develop affordable housing units as permitted  
7 in this section:

8 “(a) Shall submit an application for approval of a development project for affordable  
9 housing units to the county that has land use jurisdiction over the rural residential land  
10 proposed for development.

11 “(b) May commence the development project only after receiving approval from the  
12 county.

13 “(c) May collaborate or partner with other organizations, including local, state and fed-  
14 eral government agencies and other nonprofit organizations, that have programs for or ex-  
15 perience with developing affordable housing.

16 “(d) Shall ensure that any construction performed in the process of developing affordable  
17 housing units as permitted in this section is performed in a workmanlike manner and is in  
18 compliance with state statutes, local ordinances and the state building code.

19 “SECTION 10. Sections 11 and 12 of this 2016 Act are added to and made a part of ORS  
20 311.666 to 311.701.

21 “SECTION 11. (1) Notwithstanding any other provision of law, the total amount of prop-  
22 erty taxes due with respect to a homestead owned by individuals described in subsection (3)  
23 of this section who have filed a valid claim under subsection (4) of this section may not ex-  
24 ceed the limit described in subsection (2) of this section.

25 “(2)(a) The limit referred to in subsection (1) of this section equals the total amount of  
26 property taxes due as shown on the tax statement delivered pursuant to ORS 311.250 with  
27 respect to the homestead for the property tax year immediately preceding the first property  
28 tax year to which a valid claim filed under subsection (4) of this section relates.

29 “(b) Amounts in excess of the limit for any property tax year shall be abated.

30 “(3)(a) A claim for the relief allowable under this section may be filed if all individuals  
31 listed on the title documents of the homestead:

32 “(A) Are 70 years of age or older at the time the claim is filed; and

33 “(B) Had federal adjusted gross income for the preceding year that in the aggregate did  
34 not exceed 150 percent of the federal poverty guidelines.

35 “(b) Notwithstanding subsection (1) of this section, a claim may be filed by a family  
36 member on behalf of individuals described in paragraph (a) of this subsection if, for reasons  
37 of health, the dwelling has been transferred to the control of a legal guardian or conservator,  
38 provided the individuals reside in the dwelling.

39 “(4)(a) A claim for the relief allowable under this section must:

40 “(A) Be in writing on a form supplied by the Department of Revenue;

41 “(B) Describe the homestead;

42 “(C) Recite all facts establishing the eligibility of the homestead for, and of the individual  
43 to claim, the relief; and

44 “(D) Have attached:

45 “(i) Any documentary proof required by the department; and

1       “(ii) A written declaration by the individuals that the statements contained in the claim  
2 are true.

3       “(b) The claim must be filed with the assessor of the county in which the homestead is  
4 located after January 1 and on or before April 15 immediately preceding the property tax  
5 year for which the relief is claimed.

6       “(5) The county assessor shall forward each claim filed under this section to the depart-  
7 ment, and the department shall determine whether the property is eligible for, and the indi-  
8 viduals are eligible to claim, the relief.

9       “(6) If the individuals and the homestead are determined to be eligible, a timely claim for  
10 the relief has the effect of requiring the county assessor to determine the total amount of  
11 taxes due on the homestead within the limit described in subsection (2) of this section.

12       “(7) Any individuals aggrieved by the denial of a claim for the relief allowable under this  
13 section may appeal in the manner provided by ORS 305.404 to 305.560.

14       “(8) The relief allowable under this section is in addition to and not in lieu of any other  
15 property tax limit, partial exemption, special assessment or deferral.

16       “SECTION 12. (1) Notwithstanding any other provision of law, the total amount of prop-  
17 erty taxes that may be collected with respect to a homestead owned by individuals described  
18 in subsection (3) of this section who have filed a valid claim under ORS 311.672 may not ex-  
19 ceed the limit described in subsection (2) of this section.

20       “(2)(a) The limit referred to in subsection (1) of this section equals the total amount of  
21 property taxes due as shown on the tax statement delivered pursuant to ORS 311.250 with  
22 respect to a homestead for the property tax year immediately preceding the first property  
23 tax year to which a valid claim filed under subsection (3) of this section relates.

24       “(b) The amount by which the property taxes assessed in any property tax year exceed  
25 the limit described in this subsection shall be deferred in the manner described in ORS  
26 311.666 to 311.701.

27       “(c) Notwithstanding paragraph (b) of this subsection, interest shall not accrue under  
28 ORS 311.674 (3) on amounts deferred under this section.

29       “(3)(a) Notwithstanding ORS 311.668 and 311.670, a claim for deferral under this section  
30 may be filed if all individuals listed on the title documents of the homestead:

31       “(A) Are 70 years of age or older at the time the claim is filed; and

32       “(B) Had federal adjusted gross income for the preceding year that in the aggregate was  
33 greater than 150 percent, but less than 301 percent, of the federal poverty guidelines.

34       “(b) Notwithstanding subsection (1) of this section, a claim may be filed by a family  
35 member on behalf of individuals described in paragraph (a) of this subsection if, for reasons  
36 of health, the dwelling has been transferred to the control of a legal guardian or conservator,  
37 provided the individuals reside in the dwelling.

38       “(4) The provisions of ORS 311.666 to 311.701 apply to deferral granted under this section  
39 to the extent that they do not conflict with the provisions of this section.

40       “SECTION 13. Sections 11 and 12 of this 2016 Act apply to property tax years beginning  
41 on or after July 1, 2017.

42       “SECTION 14. (1) A local government that adopts an ordinance or resolution declaring a  
43 housing emergency may not charge a building or development permit fee or system devel-  
44 opment charge for any new construction, reconstruction or renovation of real property lo-  
45 cated within the boundaries of the local government that is in excess of the actual costs

1 incurred by the local government in performing the associated inspection or design review.

2 “(2) The prohibition in subsection (1) of this section applies until the local government  
3 adopts an ordinance or resolution terminating the housing emergency.

4 “**SECTION 15.** Section 16 of this 2016 Act is added to and made a part of ORS 307.250 to  
5 307.283.

6 “**SECTION 16.** (1) The governing body of a county may adopt an ordinance or resolution  
7 that grants an exemption from ad valorem property taxation for the property described in  
8 ORS 307.270 and, notwithstanding the amounts stated in ORS 307.250, that:

9 “(a) Exempts any greater amount of the assessed value of the homestead or personal  
10 property of a veteran or surviving spouse remaining unmarried, up to 100 percent;

11 “(b) Applies different disability standards, or none; and

12 “(c) Allows for a higher limit, or no limit, on total gross income of a veteran with disa-  
13 bilities of 40 percent or more, or no limit.

14 “(2) All provisions of ORS 307.250, 307.260, 307.262 and 307.270 that do not conflict with  
15 the exemption apply to an exemption adopted by a county pursuant to this section.”.

16 In line 18, delete “8” and insert “17”.

17 In line 21, delete “9” and insert “18”.

18 Delete lines 24 through 26 and insert:

19 “**SECTION 19.** Section 14 of this 2016 Act applies to ordinances and resolutions adopted  
20 by local governments on or after January 1, 2015.

21 “**SECTION 20.** This 2016 Act takes effect on the 91st day after the date on which the 2016  
22 regular session of the Seventy-eighth Legislative Assembly adjourns sine die.”.

23 /s/ Bill Kennemer  
24 Representative

25 /s/ Carl Wilson  
26 Representative

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