

REAL PROPERTY

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**CLARIFICATION OF LANDLORD-TENANT
LAW****ORS CH. 90, 105****2015 OREGON LAWS CH. 388 (SB 390)**

Senate Bill 390 clarifies and defines terms associated with landlord-tenant statutes. The bill allows landlord to charge a fee for failure to clean up waste of a service animal or a companion animal; excludes funds paid to landlord by any government housing assistance program from “rent” definition; clarifies process for fee assessments and applications; and lists circumstances where tenant is not responsible for damages.

Effective date: January 1, 2016.

**MORTGAGE LOAN ORIGATION
REQUIREMENTS****ORS 86A.203****2015 OREGON LAWS CH. 677 (SB 879)**

Under the Oregon Mortgage Lender Law, an attorney does not need a mortgage loan originator license if he or she is negotiating the terms of a residential mortgage loan as an ancillary matter when representing a client and if compensation is not received from a mortgage banker, mortgage broker, mortgage loan originator or lender, or an agent of any such.

Senate Bill 879 exempts an attorney who negotiates the terms of a residential mortgage loan in his or her representation of a client that buys or sells a dwelling unit from the requirement

to obtain a mortgage loan originator license in order to perform activities of a mortgage loan originator.

Effective date: January 1, 2016.

**HOMESTEAD PROPERTY TAX DEFERRAL
PROGRAM****ORS 311.356 TO 311.695****2015 OREGON LAWS CH. 309 (HB 2083)**

Certain homeowners – those qualifying as disabled or over 62 – may be permitted to defer payment of their property taxes until the owner dies or sells the property. Under such a deferment, any taxes owed are paid by the State, which obtains a lien against the property.

House Bill 2083 creates an exception to certain ownership requirements, especially related to the length of time an individual must have owned the home, thereby allowing more individuals to qualify for the program. The bill requires the property to be insured and, if it is not, permits the Department of Revenue to insure the property and add any costs to the lien.

Effective date: October 5, 2015. The amendments apply to property tax years beginning on or after July 1, 2016.

OBLIGATION BORROWERS**ORS 86.157****2015 OREGON LAWS CH. 431 (HB 3244)**

House Bill 3244 provides that a borrower or borrower’s agent may rely on the lender’s

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payoff statement for the purpose of establishing the amount required to discharge a mortgage unless and until the lender provides an amended payoff statement.

Under current practice, lenders may demand additional sums after closing in order for the lender to release the lien, which can catch new buyers and title companies in what is a dispute between the seller and the mortgage company. This bill functionally eliminates the lender's right to continue to claim a lien after the obligation of the borrower, as stated on the payoff statement, is met. The bill does not affect the lenders' right to collect any other amounts owed to them by the seller.

Effective date: June 16, 2015.

NOTICE BEFORE RENT INCREASES AND EVICTIONS

PORTLAND CITY COUNCIL ORDINANCE

The Portland City Council voted to require landlords to give tenants 90 days' notice before no-fault evictions and for rent increases of more than five percent a year. Previously, the City only required 60 days' notice.

Effective date: November 14, 2015.