

**After Recording Return to:**  
Housing and Community Services  
Attn: Portfolio Administration Section  
725 Summer Street, Suite B  
Salem, OR 97301-1266

SPACE ABOVE FOR RECORDERS USE

**STATE OF OREGON  
HOUSING AND COMMUNITY SERVICES DEPARTMENT  
PUBLICLY SUPPORTED HOUSING PRESERVATION  
NOTICE OF RIGHT OF FIRST REFUSAL**

THIS Notice of Right of First Refusal (this “**Notice**”) is made and executed by [the State of Oregon, acting by and through its Housing and Community Services Department, together with its successors and assigns (“**OHCS**”)] / [City/County/ Local Government of \_\_\_\_\_, acting by and through its \_\_\_\_\_, together with its successors and assigns (the “**Government Name**” or “**Qualified Purchaser**”)] / [Designee Name, together with its successors and assigns, acting as a designee for and on behalf of the State of Oregon, acting by and through its Housing and Community Services Department, together with its successors and assigns (“**OHCS**”) (“**Designee**” or “**Qualified Purchaser**”)] this [day] of [Month], 20\_\_.

Capitalized terms used herein without definition or terms not otherwise defined in this Notice, have the meaning ascribed to such term in ORS 456.250 through 456.265 and OAR Chapter 813, Division 115, unless the context clearly requires otherwise.

**NOTICE:**

1. **Owner/ Project Property.** [OWNER name] (the “**Owner**”) is the owner of a total number of buildings longhand (#) –building, total number of units longhand (##) –unit affordable, multifamily, rental-housing development (collectively, the “**Improvements**”) located on certain real property in the City of \_\_\_\_\_, County of \_\_\_\_\_, State of Oregon, as more particularly described in **Exhibit A** attached hereto (the “**Property**”). The Property and the Improvements are collectively referred to herein as the “**Project**”, which is commonly known as “**Project Name**”. The Project is a “participating property” as defined in ORS 456.250 and, as such, is subject to the requirements, among other things, of ORS 456.250 through 456.265.
2. **Affordability Restrictions.**
  - 2.1 The Project is subject to the following Affordability Restrictions with the listed respective expiration dates:
    - 2.1.1 [[4% or 9%] Low Income Housing Tax Credit]: expiring [date]

- 2.1.2 [ GHAP/MEP/etc. grant]: expiring [date]
- 2.1.3 [Oregon Affordable Housing Tax Credit]: expiring [date]
- 2.1.4 [Others?]
- 2.1.5 Housing and Urban Development (HUD) Project-Based Rental Assistance Contract]

2.2 The name of Credit/Program/Grant and associated Affordability Restrictions are evidenced by that certain [Name of Document, e.g., 4% Low-Income Housing Tax Credit Reservation and Extended Use Agreement] executed between the Owner and OHCS and dated on or about [date] and recorded on [date] in the official records of [County name] County, Oregon, as Instrument No. [instrument number] (the “Name of Document”).

2.3 The Owner has or intends to withdraw the Project from Publicly Supported Housing as of the Affordability Restriction expiration date of [date]. A copy of the Owner’s ORS 456.262 notice to [OHCS] or [local government] regarding withdrawal of the Project from Publicly Supported Housing is attached hereto as **Exhibit B**.

3. [Qualified Purchaser. Designee Name (the “Designee”) entered into a Designation Agreement with OHCS pursuant to ORS 456.262 on or about [Date], for the purpose of submitting an offer to the Owner to purchase the Project and preserve the Project’s Affordability Restrictions.]

[As a designee, (Name of Designee)] or [OHCS] or [Local Government] is a Qualified Purchaser under ORS 456.250(7).]

4. **Offer Made and Notice Provided of Right to Record a Right Of First Refusal.** The [Designee] [or Local Government], as a Qualified Purchaser, made an offer to the Owner to purchase the Project, dated on or about [Date]. The offer included a copy of the required ORS 456.262 notice that the Qualified Purchaser may, after thirty (30) days, record a notice of right of first refusal. The notice is attached as **Exhibit C**.

5. **Proof of Mailing of Right to Record a Right of First Refusal.** Proof of mailing of the notice required by ORS 456.262(3) and provided in Exhibit C is attached as **Exhibit D**.

6. **Declaration of Right of First Refusal.** As a qualified purchaser and having made an offer to purchase the Project, in accordance with ORS 456.262(3), the Qualified Purchaser may timely record a notice of right of first refusal in the real property records of [Name of County] County, State of Oregon where the Project is located. The Qualified Purchaser acknowledges this PUBLICLY SUPPORTED HOUSING PRESERVATION - NOTICE OF RIGHT OF FIRST REFUSAL and declares it holds the Right of First Refusal to purchase the Project under ORS 456.263.

7. **Assignment of Right of First Refusal.** [OHCS] or [Local Government name] may assign its Right of First Refusal to a Qualified Purchaser and that right may be, from time to time, reassigned.

8. **Expiration of Right of First Refusal.** This Right of First Refusal shall expire twenty-four (24) months after the latest date the Project may be withdrawn from Publicly Supported Housing, which is [Date].

9. **Recording of Right of First Refusal/ Prompt Delivery of Recording to Owner.** As a Qualified Purchaser, [Designee name on behalf of OHCS] // [Local Government] // [OHCS] hereby declares a desire that this PUBLICLY SUPPORTED HOUSING PRESERVATION - NOTICE OF RIGHT OF FIRST REFUSAL be recorded in the county records of [Name of County where Project is located] County, State of Oregon. The Qualified Purchaser agrees to promptly deliver a copy of the recorded Notice of Right of

First Refusal to the Owner.

*[Signature Page Follows.]*



LOCAL GOVERNMENT:

**HOUSING AUTHORITY or other local government entity,**  
an Oregon public body corporate and politic

\_\_\_\_\_  
By:

STATE OF OREGON    )  
                                  : ss  
County of \_\_\_\_\_ )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,  
by \_\_\_\_\_, on behalf of \_\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC FOR OREGON  
My Commission Expires: \_\_\_\_\_

*[The balance of this page is intentionally left blank]*

**EXHIBIT A**  
*(Legal Description)*

Real property in the County of **Name of County** County, State of Oregon, described as follows:

**EXHIBIT B**

*(Owner's Notice of Withdrawal from Publicly Supported Housing)*

*[Notice Copy Follows.]*

**EXHIBIT C**

*(Qualified Purchaser's ORS 456.262 Notice of Right to Record a Right Of First Refusal)*

*[Notice Copy Follows.]*

**EXHIBIT D**

*(Qualified Purchaser's Proof of Mailing Exhibit C)*

*[Notice Copy Follows.]*