

**PROPOSED AMENDMENTS TO
A-ENGROSSED HOUSE BILL 3479**

1 On page 1 of the printed A-engrossed bill, delete lines 4 through 23 and
2 delete page 2 and insert:

3 **“SECTION 1. Section 2 of this 2013 Act is added to and made a part
4 of ORS 223.387 to 223.399.**

5 **“SECTION 2. (1) The city in which property is located may assess
6 a charge in lieu of forming a local improvement district or assess a
7 prepayment against an assessment for a future local improvement
8 district, in an amount equal to the property’s share of the cost of
9 improvements that will specially benefit the property.**

10 **“(2) When the owner of property, other than an owner described in
11 subsection (4) of this section, applies for a partition as defined in ORS
12 92.010, a charge or prepayment assessed under subsection (1) of this
13 section:**

14 **“(a) May not exceed \$5,000;**

15 **“(b) Is due and payable at the time, and as a condition, of the city’s
16 issuance of any subsequent development or building permit for the
17 property; and**

18 **“(c) Must be kept in a fund dedicated to the purpose for which the
19 charge or prepayment was assessed.**

20 **“(3) If a city assesses a charge or a prepayment under subsection
21 (2) of this section, the city:**

22 **“(a) May not require the owner of the property to enter into a**

1 nonremonstrance agreement with respect to the future formation of
2 a local improvement district; and

3 “(b) Shall credit the amount of the charge or prepayment under
4 subsection (2) of this section toward any future local improvement
5 district assessments for the improvements for which the charge or
6 prepayment under subsection (2) of this section is assessed.

7 “(4) Subsections (2) and (3) of this section do not apply if the owner
8 of the property that is the subject of an application for partition:

9 “(a) Has not resided on the property for the two-year period ending
10 on the date of the application for partition; or

11 “(b) Has applied for partition of other property within the two-year
12 period ending on the date of the application for partition.

13 “(5) Notwithstanding subsections (1) to (3) of this section, a city
14 may require:

15 “(a) Full improvements to be completed by the owner of property;

16 “(b) If the owner of the property agrees, a fee in lieu of full im-
17 provements, payable by the owner of the property in an amount:

18 “(A) Equal to the estimated costs of the full improvements; or

19 “(B) Less than the estimated costs of the full improvements, to-
20 gether with a nonremonstrance agreement from the owner of the
21 property in lieu of the remainder of the full improvements; or

22 “(c) A nonremonstrance agreement from the owner of the property
23 in lieu of the full improvements.

24 “SECTION 3. This 2013 Act being necessary for the immediate
25 preservation of the public peace, health and safety, an emergency is
26 declared to exist, and this 2013 Act takes effect on its passage.”.

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