



Oregon

Kate Brown, Governor

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By Electronic Mail

The Honorable David Brock Smith
Oregon House of Representatives
900 Court Street NE, H-379
Salem, OR 97301



Re: HB 2363

Dear Representative Smith:

Before tomorrow's public hearing, I want to convey the department's concerns about HB 2363 as introduced. Along with this letter, I have shared these concerns directly with your staff. However, it is important to understand that the department takes no position on the bill, and our letter is offered only to highlight issues for legislative consideration.

HB 2363 redefines "historic home" so a single family dwelling built before Jan. 1, 1974 in a rural residential area would qualify as "historic" and could be converted into an accessory dwelling unit (ADU), provided a new dwelling on the property was built. This bill significantly departs from current law, allowing more intensive development on rural residential lots. This development would likely impact existing infrastructure, including county roads, and a county's ability to respond quickly to public safety emergencies.

With a changing climate, wildfires will cause more damage to rural residential areas. Because of this greater risk to property and people, DLCD recommends amending HB 2363 to prevent or limit ADU conversions in areas with high or extreme fire risk as determined by the State Board of Forestry.

Current law limits these conversion to single family dwellings constructed between 1840 and 1945. The current standard was recently established by SB 1024 (2018). Given this recent change, DLCD recommends a more prudent approach. The National Register of Historic Places, for example, uses 50 years old as the threshold for a "historic" designation. Before making changes, DLCD recommends gathering information on the number of new dwellings and what areas of the state could be impacted.

I want to recognize we never talked directly with you about HB 2363. Perhaps we could explore other approaches to address any outstanding issues.

As always, please feel free to contact me if you have questions or wish to discuss further.

Sincerely,

Palmer Mason