House Bill 3367
Sponsored by Representative MORGAN

SUMMARY
The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure as introduced.

Requires local governments to unconditionally allow restoration or replacement of certain uses destroyed by 2020 wildfires until December 31, 2025.
Sunsets January 2, 2026.
Declares emergency, effective on passage.

A BILL FOR AN ACT
Relating to 2020 wildfires; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. Section 2 of this 2021 Act is added to and made a part of ORS chapter 197.

SECTION 2. (1) Notwithstanding any land use regulation, statewide land use planning goal or Land Conservation and Development Commission rule or ORS 215.130 (5) to (11), a local government shall unconditionally approve an application for the restoration or replacement of a use:
(a) That was damaged, destroyed or interrupted by a wildfire identified in an executive order issued by the Governor in accordance with the Emergency Conflagration Act under ORS 476.510 to 476.610 between August 1 and September 31, 2020; and
(b) That was for:
(A) A single-family residence; or
(B) Any use of any building, structure or land that lawfully existed at the time of the wildfire, including as a nonconforming use.
(2) A local government may require an applicant under subsection (1)(b)(A) of this section to prove that a residence was assessed as a residential dwelling for purposes of ad valorem taxation for the property tax year beginning July 1, 2019, but may not require that an applicant prove that the destroyed residence was lawful under the existing land use regulations at any time, including when the building, structure or use was established, at the time of interruption or destruction or at the time of the application.
(3) An approval of an application under this section is not a land use decision as defined in ORS 197.015.
(4) Notwithstanding a time limitation under ORS 215.130 (6) or (7) or any land use regulation, approval of an application for a permit under this section is valid until December 31, 2025.

SECTION 3. Section 2 of this 2021 Act is repealed on January 2, 2026.

SECTION 4. This 2021 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2021 Act takes effect on its passage.

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

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