

# 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

1  
2 Relating to 2020 wildfires; and declaring an emergency.

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

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

5 **SECTION 2. (1) Notwithstanding any land use regulation, statewide land use planning**  
6 **goal or Land Conservation and Development Commission rule or ORS 215.130 (5) to (11), a**  
7 **local government shall unconditionally approve an application for the restoration or re-**  
8 **placement of a use:**

9 (a) **That was damaged, destroyed or interrupted by a wildfire identified in an executive**  
10 **order issued by the Governor in accordance with the Emergency Conflagration Act under**  
11 **ORS 476.510 to 476.610 between August 1 and September 31, 2020; and**

12 (b) **That was for:**

13 (A) **A single-family residence; or**

14 (B) **Any use of any building, structure or land that lawfully existed at the time of the**  
15 **wildfire, including as a nonconforming use.**

16 (2) **A local government may require an applicant under subsection (1)(b)(A) of this section**  
17 **to prove that a residence was assessed as a residential dwelling for purposes of ad valorem**  
18 **taxation for the property tax year beginning July 1, 2019, but may not require that an appli-**  
19 **cant prove that the destroyed residence was lawful under the existing land use regulations**  
20 **at any time, including when the building, structure or use was established, at the time of**  
21 **interruption or destruction or at the time of the application.**

22 (3) **An approval of an application under this section is not a land use decision as defined**  
23 **in ORS 197.015.**

24 (4) **Notwithstanding a time limitation under ORS 215.130 (6) or (7) or any land use regu-**  
25 **lation, approval of an application for a permit under this section is valid until December 31,**  
26 **2025.**

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 Section 2 of this 2021 Act is repealed on January 2, 2026.**

28 **SECTION 4. This 2021 Act being necessary for the immediate preservation of the public**  
29 **peace, health and safety, an emergency is declared to exist, and this 2021 Act takes effect**  
30 **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.

