

# DRAFT

## SUMMARY

Digest: The Act makes counties plan for areas of Metro that are not in a city; lets home builders use updated local rules; lets real estate agents accept love letters; amends middle housing land divisions and mobile home registrations; lets sick or injured tenants pay rent late; and lets city staff grant or end tax exemption for single-unit housing. (Flesch Readability Score: 63.8).

Requires Metro counties to plan for the housing needs of Metro urban unincorporated lands.

Allows a housing developer with a pending application to opt in to amended local land use regulations.

Allows sellers' real estate agents to accept irregular documents from buyers.

Allows serial middle housing land partitions to be considered a single partition. Extends the applicability of middle housing land divisions to townhouses.

Removes requirements that a manufactured dwelling owner register the dwelling with the Department of Consumer and Business Services or cancel the registration before obtaining a mortgage recorded in the county real property records.

Delays the deadlines for purposes of late fees or evictions by which tenants must pay rent during, and up to three days after, the tenants' hospitalization.

Allows a city to administratively approve or terminate the property tax exemption for single-unit housing.

Takes effect on the 91st day following adjournment sine die.

## A BILL FOR AN ACT

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Relating to housing; creating new provisions; amending ORS 90.100, 90.260, 90.394, 90.555, 90.634, 92.010, 92.031, 92.060, 92.305, 92.325, 92.425, 184.451, 184.453, 184.455, 197.320, 197.480, 197.492, 197.522, 197A.015, 197A.018, 197A.025, 197A.210, 197A.215, 197A.300, 197A.302, 197A.325, 197A.335,

1 197A.348, 197A.362, 197A.420, 215.427, 227.178, 307.674, 307.681, 446.571,  
2 446.626 and 696.805; and prescribing an effective date.

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

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5 **NEEDED HOUSING PLANNING IN UNINCORPORATED METRO**

6  
7 **SECTION 1.** ORS 197A.015 is amended to read:

8 197A.015. As used in [*ORS 197.475 to 197.493 and ORS chapter 197A*] **this**  
9 **chapter:**

10 (1) “Allocated housing need” means the housing need allocated to a city  
11 under ORS 184.453 (2) as segmented by income level under ORS 184.453 (4).

12 (2) “Buildable lands” means lands in urban and urbanizable areas that are  
13 suitable, available and necessary for the development of needed housing over  
14 a 20-year planning period, including both vacant land and developed land  
15 likely to be redeveloped.

16 (3) “City” and “city with a population of 10,000 or greater” includes, re-  
17 gardless of size[.];

18 (a) Any city within Tillamook County and the communities of  
19 Barview/Twin Rocks/Watseco, Cloverdale, Hebo, Neahkahnie, Neskowin,  
20 Netarts, Oceanside and Pacific City/Woods[.]; **and**

21 (b) **A county with respect to its jurisdiction over Metro urban un-**  
22 **incorporated lands.**

23 (4) “Development-ready lands” means buildable lands that are likely to  
24 support the production of housing during the period of their housing pro-  
25 duction target under ORS 184.455 (1) because the lands are:

26 (a) Currently annexed and zoned to allow housing through clear and ob-  
27 jective standards and procedures;

28 (b) Readily served through adjacent public facilities or identified for the  
29 near-term provision of public facilities through an adopted capital improve-  
30 ment plan; and

31 (c) Not encumbered by any applicable local, state or federal protective

1 regulations or have appropriate entitlements to prepare the land for devel-  
2 opment.

3 (5) “Government assisted housing” means housing that is financed in  
4 whole or part by either a federal or state housing agency or a housing au-  
5 thority as defined in ORS 456.005, or housing that is occupied by a tenant  
6 or tenants who benefit from rent supplements or housing vouchers provided  
7 by either a federal or state housing agency or a local housing authority.

8 (6) “Housing capacity” means the number of needed housing units that  
9 can be developed on buildable lands within the 20-year planning period based  
10 on the land’s comprehensive plan designation and capacity for housing de-  
11 velopment and redevelopment.

12 (7) “Housing production strategy” means a strategy adopted by a local  
13 government to promote housing production under ORS 197A.100.

14 (8) “Manufactured dwelling,” “manufactured dwelling park,” “manufac-  
15 tured home” and “mobile home park” have the meanings given those terms  
16 in ORS 446.003.

17 **(9) “Metro urban unincorporated lands” means lands within the**  
18 **Metro urban growth boundary that is identified by the county as:**

19 **(a) Not within a city;**

20 **(b) Zoned for urban development;**

21 **(c) Within the boundaries of a sanitary district or sanitary author-**  
22 **ity formed under ORS chapter 450;**

23 **(d) Within the boundaries of water system subject to regulation as**  
24 **described in ORS 448.119; and**

25 **(e) Not zoned with an interim zoning designation to maintain the**  
26 **land’s potential for future urbanization.**

27 [(9)] (10) “Periodic review” means the process and procedures as set forth  
28 in ORS 197.628 to 197.651.

29 [(10)] (11) “Prefabricated structure” means a prefabricated structure, as  
30 defined in ORS 455.010, that is relocatable, more than eight and one-half feet  
31 wide and designed for use as a single-family dwelling.

1       **SECTION 2. Sections 3 and 4 of this 2024 Act are added to and made**  
2 **a part of ORS chapter 197A.**

3       **SECTION 3. (1) As used in this section, “Metro urbanizable lands”**  
4 **means lands within the Metro urban growth boundary that is not**  
5 **within a city and is not Metro urban unincorporated land.**

6       **(2) In fulfilling a requirement to comply with this chapter, a local**  
7 **government may plan for the appropriate urbanization of Metro**  
8 **urbanizable lands, by using methods including adjacent urbanizable**  
9 **lands:**

10       **(a) In an intergovernmental agreement;**

11       **(b) In a housing production strategy, housing coordination strategy**  
12 **or corrective action plan under ORS 197A.100, 197A.365 or 197A.372; or**

13       **(c) To accommodate needed housing identified in an analysis of**  
14 **housing capacity under ORS 197A.335 or 197A.350.**

15       **(3) Except as may be explicitly delegated in an intergovernmental**  
16 **agreement, counties are solely responsible for complying with this**  
17 **chapter with respect to Metro urban unincorporated lands that are**  
18 **within their jurisdiction.**

19       **SECTION 4. As part of its agency request budget, as described in**  
20 **ORS 291.206, for the biennium beginning July 1, 2025, the Department**  
21 **of Land Conservation and Development shall include one or more re-**  
22 **quests for appropriations to the department to implement this chapter**  
23 **and statewide land use planning goals related to housing and**  
24 **urbanization within Metro urban unincorporated lands by providing**  
25 **technical and financial support to:**

26       **(1) Counties to amend their comprehensive plans, land use regu-**  
27 **lations and procedures and to implement land use planning; and**

28       **(2) Local governments and special districts to plan for adequate**  
29 **infrastructure and to support development-readiness for housing.**

30       **SECTION 5. ORS 184.451 is amended to read:**

31       184.451. (1) There is established within the Oregon Department of Ad-

1 ministrative Services the Oregon Housing Needs Analysis. The purposes of  
2 the Oregon Housing Needs Analysis are to further the:

3 (a) Production of housing to meet the need of Oregonians at all levels of  
4 affordability; and

5 (b) Production of housing in a way that creates more housing choice by  
6 affirmatively furthering fair housing, as defined in ORS 197A.100.

7 (2) The Oregon Housing Needs Analysis consists of three components as  
8 follows:

9 (a) The annual statewide housing analysis under ORS 184.453 (1);

10 (b) The allocated housing need under ORS 184.453 (2); and

11 (c) The housing production targets under ORS 184.455.

12 (3) Actions taken by the department under ORS 184.451 to 184.455 are not  
13 subject to ORS 197.180 and are not land use decisions.

14 (4) The Department of Land Conservation and Development and the  
15 Housing and Community Services Department:

16 (a) Shall assist the Oregon Department of Administrative Services with  
17 its duties under ORS 184.451 to 184.455.

18 (b) May study and recommend methodological changes to the Oregon De-  
19 partment of Administrative Services to improve the Oregon Housing Needs  
20 Analysis' functions and suitability for its purposes under subsection (1) of  
21 this section. The departments shall solicit written and oral public testimony  
22 to inform their recommendations.

23 (5) As used in ORS 184.451 to 184.455, "city" [or] **and** "city with a popu-  
24 lation of 10,000 or greater" [*includes cities, as defined in ORS 197A.015, and*  
25 *urban unincorporated communities in Metro, as defined in ORS 197.015*] **have**  
26 **the meanings given those terms in ORS 197A.015.**

27 **SECTION 6.** ORS 184.453 is amended to read:

28 184.453. (1) On an annual basis the Oregon Department of Administrative  
29 Services shall conduct a statewide housing analysis. The analysis must be  
30 conducted statewide and segmented into regions as determined by the de-  
31 partment. The analysis shall estimate factors including, but not limited to:

- 1 (a) Projected needed housing units over the next 20 years;
- 2 (b) Current housing underproduction;
- 3 (c) Housing units needed for people experiencing homelessness; and
- 4 (d) Housing units projected to be converted into vacation homes or second
- 5 homes during the next 20 years.

6 (2) At the time the department performs the housing analysis under sub-  
7 section (1) of this section, the department shall allocate a housing need for  
8 each city. **Allocations for Metro urban unincorporated land, as defined**  
9 **in ORS 197A.015, must be combined for each county in Metro.**

10 (3) In making an allocation under subsection (2) of this section, the de-  
11 partment shall consider:

- 12 (a) The forecasted population growth under ORS 195.033 or 195.036;
- 13 (b) The forecasted regional job growth;
- 14 (c) An equitable statewide distribution of housing for income levels de-  
15 scribed in subsection (4) of this section;
- 16 (d) The estimates made under subsection (1) of this section;
- 17 (e) For cities within Metro, the needed housing projected under ORS  
18 197A.348 (2); and
- 19 (f) The purpose of the Oregon Housing Needs Analysis under ORS 184.451  
20 (1).

21 (4) In estimating and allocating housing need under this section, the de-  
22 partment shall segment need by the following income levels:

- 23 (a) Housing affordable to households making less than 30 percent of me-  
24 dian family income;
- 25 (b) Housing affordable to households making 30 percent or more and less  
26 than 60 percent of median family income;
- 27 (c) Housing affordable to households making 60 percent or more and less  
28 than 80 percent of median family income;
- 29 (d) Housing affordable to households making 80 percent or more and less  
30 than 120 percent of median family income; and
- 31 (e) Housing affordable to households making 120 percent or more of me-

1 dian family income.

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**OPTING IN TO AMENDED HOUSING  
DEVELOPMENT REGULATIONS**

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6 **SECTION 7.** ORS 215.427 is amended to read:

7 215.427. (1) Except as provided in subsections (3), (5) and (10) of this sec-  
8 tion, for land within an urban growth boundary and applications for mineral  
9 aggregate extraction, the governing body of a county or its designee shall  
10 take final action on an application for a permit, limited land use decision  
11 or zone change, including resolution of all appeals under ORS 215.422, within  
12 120 days after the application is deemed complete. The governing body of a  
13 county or its designee shall take final action on all other applications for a  
14 permit, limited land use decision or zone change, including resolution of all  
15 appeals under ORS 215.422, within 150 days after the application is deemed  
16 complete, except as provided in subsections (3), (5) and (10) of this section.

17 (2) If an application for a permit, limited land use decision or zone change  
18 is incomplete, the governing body or its designee shall notify the applicant  
19 in writing of exactly what information is missing within 30 days of receipt  
20 of the application and allow the applicant to submit the missing information.  
21 The application shall be deemed complete for the purpose of subsection (1)  
22 of this section and ORS 197A.470 upon receipt by the governing body or its  
23 designee of:

24 (a) All of the missing information;

25 (b) Some of the missing information and written notice from the applicant  
26 that no other information will be provided; or

27 (c) Written notice from the applicant that none of the missing information  
28 will be provided.

29 (3)(a) If the application was complete when first submitted or the appli-  
30 cant submits additional information[, *as described in subsection (2) of this*  
31 *section,*] within 180 days of the date the application was first submitted [*and*

1 *the county has a comprehensive plan and land use regulations acknowledged*  
2 *under ORS 197.251], approval or denial of the application [shall be based]*  
3 **must be based:**

4 (A) Upon the standards and criteria that were applicable at the time the  
5 application was first submitted[.]; **or**

6 (B) **For an application to establish a residential use, upon the re-**  
7 **quest of the applicant, those standards and criteria that became op-**  
8 **erative during the pendency of the application.**

9 (b) **If an applicant requests review under different standards as**  
10 **provided in paragraph (a)(B) of this subsection:**

11 (A) **For the purposes of this section, the date of the application's**  
12 **submission or receipt is the date of the request;**

13 (B) **For the purposes of this section and ORS 197A.470 the applica-**  
14 **tion is not deemed complete until:**

15 (i) **The county determines that additional information is not re-**  
16 **quired under subsection (2) of this section; or**

17 (ii) **The applicant makes a submission under subsection (2) of this**  
18 **section in response to a county's request; and**

19 (C) **The county may not require that the applicant:**

20 (i) **Pay a duplicative fee based on completed review;**

21 (ii) **Resubmit a new application or duplicative information; or**

22 (iii) **Repeat redundant processes or hearings that are inapplicable**  
23 **to the change in standards or criteria.**

24 *[(b) If the application is for industrial or traded sector development of a*  
25 *site identified under section 12, chapter 800, Oregon Laws 2003, and proposes*  
26 *an amendment to the comprehensive plan, approval or denial of the application*  
27 *must be based upon the standards and criteria that were applicable at the time*  
28 *the application was first submitted, provided the application complies with*  
29 *paragraph (a) of this subsection.]*

30 (4) On the 181st day after first being submitted, the application is void  
31 if the applicant has been notified of the missing information as required



1 under subsection (2) of this section and has not submitted:

2 (a) All of the missing information;

3 (b) Some of the missing information and written notice that no other in-  
4 formation will be provided; or

5 (c) Written notice that none of the missing information will be provided.

6 (5) The period set in subsection (1) of this section or the 100-day period  
7 set in ORS 197A.470 may be extended for a specified period of time at the  
8 written request of the applicant. The total of all extensions, except as pro-  
9 vided in subsection (10) of this section for mediation, may not exceed 215  
10 days.

11 (6) The period set in subsection (1) of this section applies:

12 (a) Only to decisions wholly within the authority and control of the gov-  
13 erning body of the county; and

14 (b) Unless the parties have agreed to mediation as described in subsection  
15 (10) of this section or ORS 197.319 (2)(b).

16 (7) Notwithstanding subsection (6) of this section, the period set in sub-  
17 section (1) of this section and the 100-day period set in ORS 197A.470 do not  
18 apply to:

19 (a) A decision of the county making a change to an acknowledged com-  
20 prehensive plan or a land use regulation that is submitted to the Director  
21 of the Department of Land Conservation and Development under ORS  
22 197.610; or

23 (b) A decision of a county involving an application for the development  
24 of residential structures within an urban growth boundary, where the county  
25 has tentatively approved the application and extends these periods by no  
26 more than seven days in order to assure the sufficiency of its final order.

27 (8) Except when an applicant requests an extension under subsection (5)  
28 of this section, if the governing body of the county or its designee does not  
29 take final action on an application for a permit, limited land use decision  
30 or zone change within 120 days or 150 days, as applicable, after the applica-  
31 tion is deemed complete, the county shall refund to the applicant either the

1 unexpended portion of any application fees or deposits previously paid or 50  
2 percent of the total amount of such fees or deposits, whichever is greater.  
3 The applicant is not liable for additional governmental fees incurred subse-  
4 quent to the payment of such fees or deposits. However, the applicant is re-  
5 sponsible for the costs of providing sufficient additional information to  
6 address relevant issues identified in the consideration of the application.

7 (9) A county may not compel an applicant to waive the period set in  
8 subsection (1) of this section or to waive the provisions of subsection (8) of  
9 this section or ORS 197A.470 or 215.429 as a condition for taking any action  
10 on an application for a permit, limited land use decision or zone change ex-  
11 cept when such applications are filed concurrently and considered jointly  
12 with a plan amendment.

13 (10) The periods set forth in subsections (1) and (5) of this section and  
14 ORS 197A.470 may be extended by up to 90 additional days, if the applicant  
15 and the county agree that a dispute concerning the application will be me-  
16 diated.

17 **SECTION 8.** ORS 227.178 is amended to read:

18 227.178. (1) Except as provided in subsections (3), (5) and (11) of this sec-  
19 tion, the governing body of a city or its designee shall take final action on  
20 an application for a permit, limited land use decision or zone change, in-  
21 cluding resolution of all appeals under ORS 227.180, within 120 days after the  
22 application is deemed complete.

23 (2) If an application for a permit, limited land use decision or zone change  
24 is incomplete, the governing body or its designee shall notify the applicant  
25 in writing of exactly what information is missing within 30 days of receipt  
26 of the application and allow the applicant to submit the missing information.  
27 The application shall be deemed complete for the purpose of subsection (1)  
28 of this section or ORS 197A.470 upon receipt by the governing body or its  
29 designee of:

30 (a) All of the missing information;

31 (b) Some of the missing information and written notice from the applicant

1 that no other information will be provided; or

2 (c) Written notice from the applicant that none of the missing information  
3 will be provided.

4 (3)(a) If the application was complete when first submitted or the appli-  
5 cant submits the requested additional information within 180 days of the date  
6 the application was first submitted [*and the city has a comprehensive plan*  
7 *and land use regulations acknowledged under ORS 197.251*], approval or de-  
8 nial of the application [*shall*] **must** be based:

9 (A) Upon the standards and criteria that were applicable at the time the  
10 application was first submitted[.]; **or**

11 (B) **For an application to establish a residential use, upon the re-**  
12 **quest of the applicant, those standards and criteria that became op-**  
13 **erative during the pendency of the application.**

14 (b) **If an applicant requests review under different standards as**  
15 **provided in paragraph (a)(B) of this subsection:**

16 (A) **For the purposes of this section, the date of the application's**  
17 **submission or receipt is the date of the request;**

18 (B) **For the purposes of this section and ORS 197A.470 the applica-**  
19 **tion is not deemed complete until:**

20 (i) **The city determines that additional information is not required**  
21 **under subsection (2) of this section; or**

22 (ii) **The applicant makes a submission under subsection (2) of this**  
23 **section in response to a city's request; and**

24 (C) **The city may not require that the applicant:**

25 (i) **Pay a duplicative fee based on completed review;**

26 (ii) **Resubmit a new application or duplicative information; or**

27 (iii) **Repeat redundant processes or hearings that are inapplicable**  
28 **to the change in standards or criteria.**

29 [*b*] *If the application is for industrial or traded sector development of a*  
30 *site identified under section 12, chapter 800, Oregon Laws 2003, and proposes*  
31 *an amendment to the comprehensive plan, approval or denial of the application*

1 *must be based upon the standards and criteria that were applicable at the time*  
2 *the application was first submitted, provided the application complies with*  
3 *paragraph (a) of this subsection.]*

4 (4) On the 181st day after first being submitted, the application is void  
5 if the applicant has been notified of the missing information as required  
6 under subsection (2) of this section and has not submitted:

7 (a) All of the missing information;

8 (b) Some of the missing information and written notice that no other in-  
9 formation will be provided; or

10 (c) Written notice that none of the missing information will be provided.

11 (5) The 120-day period set in subsection (1) of this section or the 100-day  
12 period set in ORS 197A.470 may be extended for a specified period of time  
13 at the written request of the applicant. The total of all extensions, except  
14 as provided in subsection (11) of this section for mediation, may not exceed  
15 245 days.

16 (6) The 120-day period set in subsection (1) of this section applies:

17 (a) Only to decisions wholly within the authority and control of the gov-  
18 erning body of the city; and

19 (b) Unless the parties have agreed to mediation as described in subsection  
20 (11) of this section or ORS 197.319 (2)(b).

21 (7) Notwithstanding subsection (6) of this section, the 120-day period set  
22 in subsection (1) of this section and the 100-day period set in ORS 197A.470  
23 do not apply to:

24 (a) A decision of the city making a change to an acknowledged compre-  
25 hensive plan or a land use regulation that is submitted to the Director of the  
26 Department of Land Conservation and Development under ORS 197.610; or

27 (b) A decision of a city involving an application for the development of  
28 residential structures within an urban growth boundary, where the city has  
29 tentatively approved the application and extends these periods by no more  
30 than seven days in order to assure the sufficiency of its final order.

31 (8) Except when an applicant requests an extension under subsection (5)

1 of this section, if the governing body of the city or its designee does not take  
2 final action on an application for a permit, limited land use decision or zone  
3 change within 120 days after the application is deemed complete, the city  
4 shall refund to the applicant, subject to the provisions of subsection (9) of  
5 this section, either the unexpended portion of any application fees or depos-  
6 its previously paid or 50 percent of the total amount of such fees or deposits,  
7 whichever is greater. The applicant is not liable for additional governmental  
8 fees incurred subsequent to the payment of such fees or deposits. However,  
9 the applicant is responsible for the costs of providing sufficient additional  
10 information to address relevant issues identified in the consideration of the  
11 application.

12 (9)(a) To obtain a refund under subsection (8) of this section, the appli-  
13 cant may either:

14 (A) Submit a written request for payment, either by mail or in person, to  
15 the city or its designee; or

16 (B) Include the amount claimed in a mandamus petition filed under ORS  
17 227.179. The court shall award an amount owed under this section in its final  
18 order on the petition.

19 (b) Within seven calendar days of receiving a request for a refund, the  
20 city or its designee shall determine the amount of any refund owed. Payment,  
21 or notice that no payment is due, shall be made to the applicant within 30  
22 calendar days of receiving the request. Any amount due and not paid within  
23 30 calendar days of receipt of the request shall be subject to interest charges  
24 at the rate of one percent per month, or a portion thereof.

25 (c) If payment due under paragraph (b) of this subsection is not paid  
26 within 120 days after the city or its designee receives the refund request, the  
27 applicant may file an action for recovery of the unpaid refund. In an action  
28 brought by a person under this paragraph, the court shall award to a pre-  
29 vailing applicant, in addition to the relief provided in this section, reason-  
30 able attorney fees and costs at trial and on appeal. If the city or its designee  
31 prevails, the court shall award reasonable attorney fees and costs at trial

1 and on appeal if the court finds the petition to be frivolous.

2 (10) A city may not compel an applicant to waive the 120-day period set  
3 in subsection (1) of this section or to waive the provisions of subsection (8)  
4 of this section or ORS 197A.470 or 227.179 as a condition for taking any  
5 action on an application for a permit, limited land use decision or zone  
6 change except when such applications are filed concurrently and considered  
7 jointly with a plan amendment.

8 (11) The periods set forth in subsections (1) and (5) of this section and  
9 ORS 197A.470 may be extended by up to 90 additional days, if the applicant  
10 and the city agree that a dispute concerning the application will be medi-  
11 ated.

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## **REALTOR REJECTION OF DOCUMENTS**

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15 **SECTION 9.** ORS 696.805 is amended to read:

16 696.805. (1) A real estate licensee who acts under a listing agreement with  
17 the seller acts as the seller's agent only.

18 (2) A seller's agent owes the seller, other principals and the principals'  
19 agents involved in a real estate transaction the following affirmative duties:

20 (a) To deal honestly and in good faith;

21 (b) To present all written offers, written notices and other written com-  
22 munications to and from the parties in a timely manner without regard to  
23 whether the property is subject to a contract for sale or the buyer is already  
24 a party to a contract to purchase; and

25 (c) To disclose material facts known by the seller's agent and not appar-  
26 ent or readily ascertainable to a party.

27 (3) A seller's agent owes the seller involved in a real estate transaction  
28 the following affirmative duties:

29 (a) To exercise reasonable care and diligence;

30 (b) To account in a timely manner for money and property received from  
31 or on behalf of the seller;

1 (c) To be loyal to the seller by not taking action that is adverse or det-  
2 rimental to the seller's interest in a transaction;

3 (d) To disclose in a timely manner to the seller any conflict of interest,  
4 existing or contemplated;

5 (e) To advise the seller to seek expert advice on matters related to the  
6 transaction that are beyond the agent's expertise;

7 (f) To maintain confidential information from or about the seller except  
8 under subpoena or court order, even after termination of the agency re-  
9 lationship; and

10 (g) Unless agreed otherwise in writing, to make a continuous, good faith  
11 effort to find a buyer for the property, except that a seller's agent is not  
12 required to seek additional offers to purchase the property while the property  
13 is subject to a contract for sale.

14 (4) A seller's agent may show properties owned by another seller to a  
15 prospective buyer and may list competing properties for sale without  
16 breaching any affirmative duty to the seller.

17 (5) Except as provided in subsection (3)(g) of this section, an affirmative  
18 duty may not be waived.

19 (6) Nothing in this section implies a duty to investigate matters that are  
20 outside the scope of the real estate licensee's expertise, including but not  
21 limited to investigation of the condition of property, the legal status of the  
22 title or the owner's past conformance with law, unless the licensee or the  
23 licensee's agent agrees in writing to investigate a matter.

24 *[(7) In order to help a seller avoid selecting a buyer based on the buyer's*  
25 *race, color, religion, sex, sexual orientation, national origin, marital status or*  
26 *familial status as prohibited by the Fair Housing Act (42 U.S.C. 3601 et seq.),*  
27 *a seller's agent shall reject any communication other than customary docu-*  
28 *ments in a real estate transaction, including photographs, provided by a*  
29 *buyer.]*

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31

**MIDDLE HOUSING PARTITIONS**

**SECTION 10.** ORS 92.031 is amended to read:

92.031. (1) As used in this section, “middle housing land division” means a partition or subdivision of a **single** lot or parcel on which [*the development of*] **will be developed any middle housing type that** is allowed under ORS 197A.420 (2) or (3).

(2) A city or county shall approve a tentative plan for a middle housing land division if the application includes:

(a) A proposal for development of middle housing in compliance with the Oregon residential specialty code and land use regulations applicable to the original lot or parcel **or the resulting lots or parcels** allowed under ORS 197A.420 (5);

(b) Separate utilities for each dwelling unit;

(c) Proposed easements necessary for each dwelling unit on the plan for:

(A) Locating, accessing, replacing and servicing all utilities;

(B) Pedestrian access from each dwelling unit to a private or public road;

(C) Any common use areas or shared building elements;

(D) Any dedicated driveways or parking; and

(E) Any dedicated common area;

(d) Exactly one dwelling unit on each resulting lot or parcel, except for lots, parcels or tracts used as common areas; and

(e) Evidence demonstrating how buildings or structures on a resulting lot or parcel will comply with applicable building codes provisions relating to new property lines and, notwithstanding the creation of new lots or parcels, how structures or buildings located on the newly created lots or parcels will comply with the Oregon residential specialty code.

(3) A city or county may add conditions to the approval of a tentative plan for a middle housing land division to:

(a) Prohibit the further division of the resulting lots or parcels.

(b) Require that a notation appear on the final plat indicating that the



1 approval was given under this section.

2 (4) In reviewing an application for a middle housing land division, a city  
3 or county:

4 (a) Shall apply the procedures under ORS 197.360 to 197.380.

5 (b) May require street frontage improvements where a resulting lot or  
6 parcel abuts the street consistent with land use regulations implementing  
7 ORS 197A.420.

8 (c) May not subject an application to approval criteria except as provided  
9 in this section, including that a lot or parcel require driveways, vehicle ac-  
10 cess, parking or minimum or maximum street frontage.

11 (d) May not subject the application to procedures, ordinances or regu-  
12 lations adopted under ORS 92.044 or 92.046 that are inconsistent with this  
13 section or ORS 197.360 to 197.380.

14 (e) May allow the submission of an application for a middle housing land  
15 division at the same time as the submission of an application for building  
16 permits for the middle housing.

17 (f) May require the dedication of right of way if the original parcel did  
18 not previously provide a dedication.

19 (5) The type of middle housing developed on the original parcel is not  
20 altered by a middle housing land division.

21 (6) Notwithstanding ORS 197A.425 (1), a city or county is not required to  
22 allow an accessory dwelling unit on a lot or parcel resulting from a middle  
23 housing land division.

24 (7) The tentative approval of a middle housing land division is void if and  
25 only if a final subdivision or partition plat is not approved within three  
26 years of the tentative approval. Nothing in this section or ORS 197.360 to  
27 197.380 prohibits a city or county from requiring a final plat before issuing  
28 building permits.

29 **SECTION 11.** ORS 92.010 is amended to read:

30 92.010. As used in ORS 92.010 to 92.192, unless the context requires oth-  
31 erwise:

1 (1) “Declarant” means the person who files a declaration under ORS  
2 92.075.

3 (2) “Declaration” means the instrument described in ORS 92.075 by which  
4 the subdivision or partition plat was created.

5 (3)(a) “Lawfully established unit of land” means:

6 (A) A lot or parcel created pursuant to ORS 92.010 to 92.192; or

7 (B) Another unit of land created:

8 (i) In compliance with all applicable planning, zoning and subdivision or  
9 partition ordinances and regulations; or

10 (ii) By deed or land sales contract, if there were no applicable planning,  
11 zoning or subdivision or partition ordinances or regulations.

12 (b) “Lawfully established unit of land” does not mean a unit of land cre-  
13 ated solely to establish a separate tax account.

14 (4) “Lot” means a single unit of land that is created by a subdivision of  
15 land.

16 (5) “Negotiate” means any activity preliminary to the execution of a  
17 binding agreement for the sale of land in a subdivision or partition, includ-  
18 ing but not limited to advertising, solicitation and promotion of the sale of  
19 such land.

20 (6) “Parcel” means a single unit of land that is created by a partition of  
21 land.

22 (7) “Partition” means either an act of partitioning land or an area or  
23 tract of land partitioned.

24 (8) “Partition plat” includes a final map and other writing containing all  
25 the descriptions, locations, specifications, provisions and information con-  
26 cerning a partition.

27 (9)(a) “Partitioning land” means:

28 (A) Dividing land to create not more than three parcels of land within  
29 a calendar year[, *but*]; **or**

30 (B) **Dividing land under ORS 92.031 to create any number of parcels**  
31 **within a calendar year.**

1       **(b) “Partitioning land”** does not include:

2       [(a)] **(A)** Dividing land as a result of a lien foreclosure, foreclosure of a  
3 recorded contract for the sale of real property or the creation of cemetery  
4 lots[;].

5       [(b)] **(B)** Adjusting a property line [as] **via a** property line adjustment  
6 [is] **as** defined in this section[;].

7       [(c)] **(C)** Dividing land as a result of the recording of a subdivision or  
8 condominium plat[;].

9       [(d)] **(D)** Selling or granting by a person to a public agency or public body  
10 of property for state highway, county road, city street or other right of way  
11 purposes if the road or right of way complies with the applicable compre-  
12 hensive plan and ORS 215.213 (2)(p) to (r) and 215.283 (2)(q) to (s). However,  
13 any property sold or granted for state highway, county road, city street or  
14 other right of way purposes shall continue to be considered a single unit of  
15 land until the property is further subdivided or partitioned[; or].

16       [(e)] **(E)** Selling or granting by a public agency or public body of excess  
17 property resulting from the acquisition of land by the state, a political sub-  
18 division or special district for highways, county roads, city streets or other  
19 right of way purposes when the sale or grant is part of a property line ad-  
20 justment incorporating the excess right of way into adjacent property. The  
21 property line adjustment shall be approved or disapproved by the applicable  
22 local government. If the property line adjustment is approved, it shall be  
23 recorded in the deed records of the county where the property is located.

24       (10) “Plat” includes a final subdivision plat, replat or partition plat.

25       (11) “Property line” means the division line between two units of land.

26       (12) “Property line adjustment” means a relocation or elimination of all  
27 or a portion of the common property line between abutting properties that  
28 does not create an additional lot or parcel.

29       (13) “Replat” means the act of platting the lots, parcels and easements in  
30 a recorded subdivision or partition plat to achieve a reconfiguration of the  
31 existing subdivision or partition plat or to increase or decrease the number

1 of lots in the subdivision.

2 (14) "Road" or "street" means a public or private way that is created to  
3 provide ingress or egress for persons to one or more lots, parcels, areas or  
4 tracts of land, excluding a private way that is created to provide ingress or  
5 egress to such land in conjunction with the use of such land for forestry,  
6 mining or agricultural purposes.

7 (15) "Sale" or "sell" includes every disposition or transfer of land or an  
8 interest or estate therein.

9 (16) "Subdivide land" means to divide land to create, **within a calendar**  
10 **year**, four or more lots [*within a calendar year*], **not including lots formed**  
11 **by partitioning land as defined in subsection (9)(a)(B) of this section.**

12 (17) "Subdivision" means either an act of subdividing land or an area or  
13 a tract of land subdivided.

14 (18) "Subdivision plat" includes a final map and other writing containing  
15 all the descriptions, locations, specifications, dedications, provisions and in-  
16 formation concerning a subdivision.

17 (19) "Utility easement" means an easement noted on a subdivision plat  
18 or partition plat for the purpose of installing or maintaining public or pri-  
19 vate utility infrastructure for the provision of water, power, heat or tele-  
20 communications to the public.

21 **SECTION 12.** ORS 92.060 is amended to read:

22 92.060. (1) The initial point, also known as the point of beginning, of a  
23 plat must be on the exterior boundary of the plat and must be marked with  
24 a monument that is either galvanized iron pipe or an iron or steel rod. If  
25 galvanized iron pipe is used, the pipe may not be less than three-quarter inch  
26 inside diameter and 30 inches long. If an iron or steel rod is used, the rod  
27 may not be less than five-eighths of an inch in least dimension and 30 inches  
28 long. The location of the monument shall be with reference by survey to a  
29 section corner, one-quarter corner, one-sixteenth corner, Donation Land  
30 Claim corner or to a monumented lot corner or boundary corner of a re-  
31 corded subdivision, partition or condominium plat. When setting a required

1 monument is impracticable under the circumstances, the county surveyor  
2 may authorize the setting of another type of monument.

3 (2) In subdivision plats, the intersections, the initial point, also known  
4 as the point of beginning, the point of ending, points of curves and points  
5 of tangents, or the point of intersection of the curve if the point is within  
6 the pavement area of the road, of the centerlines of all streets and roads and  
7 all points on the exterior boundary where the boundary line changes direc-  
8 tion, must be marked with monuments either of galvanized iron pipe or iron  
9 or steel rods. If galvanized iron pipe is used, the pipe may not be less than  
10 three-quarter inch inside diameter and 30 inches long. If iron or steel rods  
11 are used, the rod may not be less than five-eighths of an inch in least di-  
12 mension and 30 inches long. When setting a required monument is impracti-  
13 cable under the circumstances:

14 (a) The county surveyor may authorize the setting of another type of  
15 monument; or

16 (b) The county surveyor may waive the setting of the monument.

17 (3) All lot and parcel corners except lot corners of cemetery lots must be  
18 marked with monuments of either galvanized iron pipe not less than one-half  
19 inch inside diameter or iron or steel rods not less than five-eighths inch in  
20 least dimension and not less than 24 inches long. When setting a required  
21 monument is impracticable under the circumstances:

22 (a) The surveyor may set another type of monument; or

23 (b) The county surveyor may waive the setting of the monument.

24 (4) A surveyor shall set monuments with sufficient accuracy that meas-  
25 urements may be taken between monuments within one-tenth of a foot or  
26 within one ten-thousandth of the distance shown on the subdivision or par-  
27 tition plat, whichever is greater.

28 (5) A surveyor shall set monuments on the exterior boundary of a subdi-  
29 vision, unless the county surveyor waives the setting of a particular monu-  
30 ment, where changes in the direction of the boundary occur and shall  
31 reference the monuments on the plat of the subdivision before the plat of the

1 subdivision is offered for recording. However, the surveyor need not set the  
2 remaining monuments for the subdivision prior to the recording of the plat  
3 of the subdivision if:

4 (a) The registered professional land surveyor performing the survey work  
5 certifies that the remaining monuments will be set, unless the county sur-  
6 veyor waives the setting of a particular monument, on or before a specified  
7 date as provided in ORS 92.070 (2); and

8 (b) The person subdividing the land furnishes to the county or city by  
9 which the subdivision was approved a bond, cash deposit, irrevocable letter  
10 of credit issued by an insured institution as defined in ORS 706.008 or other  
11 security as required by the county or city guaranteeing the payment of the  
12 cost of setting the remaining monuments for the subdivision as provided in  
13 ORS 92.065.

14 (6) A surveyor shall set all monuments on the exterior boundary and all  
15 parcel corner monuments of partitions, unless the county surveyor waives  
16 the setting of a particular monument, before the partition plat is offered for  
17 recording. Unless the governing body provides otherwise, any parcels created  
18 outside an urban growth boundary that are greater than 10 acres need not  
19 be surveyed or monumented.

20 (7) Except as provided in subsections (8) and (9) of this section, a property  
21 line adjustment must be surveyed and monumented in accordance with sub-  
22 section (3) of this section and a survey, complying with ORS 209.250, must  
23 be filed with the county surveyor.

24 (8) Unless the governing body of a city or county has otherwise provided  
25 by ordinance, a survey or monument is not required for a property line ad-  
26 justment when the abutting properties are each greater than 10 acres.  
27 Nothing in this subsection exempts a local government from minimum area  
28 requirements established in acknowledged comprehensive plans and land use  
29 regulations.

30 (9) The requirements of subsection (7) of this section do not apply to  
31 property transferred through a property line adjustment as described in ORS

1 92.010 [(9)(e)] **(9)(b)(E)**.

2 **SECTION 13.** ORS 92.305 is amended to read:

3 92.305. As used in ORS 92.305 to 92.495:

4 (1) “Blanket encumbrance” means a trust deed or mortgage or any other  
5 lien or encumbrance, mechanic’s lien or otherwise, securing or evidencing  
6 the payment of money and affecting more than one interest in subdivided or  
7 series partitioned land, or an agreement affecting more than one such lot,  
8 parcel or interest by which the subdivider, series partitioner or developer  
9 holds such subdivision or series partition under an option, contract to sell  
10 or trust agreement.

11 (2) “Commissioner” means the Real Estate Commissioner.

12 (3) [*Except as otherwise provided in ORS 92.325 (2),*] “Developer” means  
13 a person who purchases a lot, parcel or interest in a subdivision or series  
14 partition that does not have a single family residential dwelling or duplex  
15 thereon to construct a single family residential dwelling or duplex on the lot,  
16 parcel or interest and to resell the lot, parcel or interest and the dwelling  
17 or duplex for eventual residential use purposes. “Developer” also includes  
18 a person who purchases a lot, parcel or other interest in a subdivision or  
19 series partition that does not have a single family residential dwelling or  
20 duplex thereon for resale to another person. “Developer” does not mean a  
21 “developer” as that term is defined in ORS 100.005.

22 (4) “Interest” includes a lot or parcel, and a share, undivided interest or  
23 membership which includes the right to occupy the land overnight, and  
24 lessee’s interest in land for more than three years or less than three years  
25 if the interest may be renewed under the terms of the lease for a total period  
26 more than three years. “Interest” does not include any interest in a condo-  
27 minium as that term is defined in ORS 100.005 or any security interest under  
28 a land sales contract, trust deed or mortgage. “Interest” does not include  
29 divisions of land created by lien foreclosures or foreclosures of recorded  
30 contracts for the sale of real property.

31 (5) “Negotiate” means any activity preliminary to the execution of a

1 binding agreement for the sale or lease of land in a subdivision or series  
2 partition, including but not limited to advertising, solicitation and promotion  
3 of the sale or lease of such land.

4 (6) “Lot,” “parcel” and “partition” have the meaning given those terms  
5 in ORS 92.010.

6 (7) “Person” includes a natural person, a domestic or foreign corporation,  
7 a partnership, an association, a joint stock company, a trust *[and]* **or** any  
8 unincorporated organization. *[As used in ORS 92.305 to 92.495 the term]*  
9 “Trust” includes a common law or business trust, but does not include a  
10 private trust or a trust created or appointed under or by virtue of any last  
11 will and testament, or by a court.

12 (8) “Real property sales contract” means an agreement wherein one party  
13 agrees to lease or to convey title to real property to another party upon the  
14 satisfaction of specified conditions set forth in the contract.

15 (9) “Sale” or “lease” includes every disposition or transfer of land in a  
16 subdivision or a series partition, or an interest or estate therein, by a sub-  
17 divider or series partitioner or a developer, or their agents, including the  
18 offering of such property as a prize or gift when a monetary charge or con-  
19 sideration for whatever purpose is required by the subdivider, series  
20 partitioner or developer or their agents.

21 (10) “Series partitioned lands” and “series partition” mean a series of  
22 partitions of land located within this state resulting in the creation of four  
23 or more parcels over a period of more than one calendar year.

24 (11) “Series partitioner” means any person who causes land to be series  
25 partitioned into a series partition, or who undertakes to develop a series  
26 partition, but does not include a public agency or officer authorized by law  
27 to make partitions.

28 (12) “Subdivided lands” and “subdivision” mean improved or unimproved  
29 land or lands divided, or created into interests or sold under an agreement  
30 to be subsequently divided or created into interests, for the purpose of sale  
31 or lease, whether immediate or future, into 11 or more undivided interests



1 or four or more other interests. “Subdivided lands” and “subdivision” include  
2 but are not limited to a subdivision of land located within this state subject  
3 to an ordinance adopted under ORS 92.044 and do not include series parti-  
4 tioned lands. “Subdivided lands” and “subdivision” do not mean property  
5 submitted to ORS 100.005 to 100.910 or property located outside this state  
6 which has been committed to the condominium form of ownership in ac-  
7 cordance with the laws of the jurisdiction within which the property is lo-  
8 cated.

9 (13) “Subdivider” means any person who causes land to be subdivided into  
10 a subdivision, or who undertakes to develop a subdivision, but does not in-  
11 clude a public agency or officer authorized by law to make subdivisions.

12 **SECTION 14.** ORS 92.425 is amended to read:

13 92.425. (1) No lot, parcel or interest in a subdivision or series partition  
14 shall be sold by a subdivider, series partitioner or developer by means of a  
15 land sale contract unless a collection escrow is established within this state  
16 with a person or firm authorized to receive escrows under the laws of this  
17 state and all of the following are deposited in the escrow:

18 (a) A copy of the title report or abstract, as it relates to the property  
19 being sold.

20 (b) The original sales document or an executed copy thereof relating to  
21 the purchase of real property in the subdivision or series partition clearly  
22 setting forth the legal description of the property being purchased, the  
23 principal amount of the encumbrance outstanding at the date of the sales  
24 document and the terms of the document.

25 (c) A commitment to give a partial release for the lot, parcel or other  
26 interest being sold from the terms and provisions of any blanket  
27 encumbrance as described in ORS 92.305 (1). Except as otherwise provided  
28 in subsection (4) of this section, the commitment shall be in a form satis-  
29 factory to the Real Estate Commissioner.

30 (d) A commitment to give a release of any other lien or encumbrance ex-  
31 isting against such lot, parcel or other interest being sold as revealed by

1 such title report. Except as otherwise provided in subsection (4) of this sec-  
2 tion, the commitment shall be in a form satisfactory to the commissioner.

3 (e) A warranty or bargain and sale deed in good and sufficient form con-  
4 veying merchantable and marketable title to the purchaser of such lot, parcel  
5 or other interest.

6 (2) The subdivider, series partitioner or developer shall submit written  
7 authorization allowing the commissioner to inspect all escrow deposits es-  
8 tablished pursuant to subsection (1) of this section.

9 (3) In lieu of the procedures provided in subsection (1) of this section, the  
10 subdivider, series partitioner or developer shall conform to such alternative  
11 requirement or method which the commissioner may deem acceptable to  
12 carry into effect the intent and provisions of this section.

13 (4) The requirements of subsection (1)(c) and (d) of this section relating  
14 to use of a commitment form acceptable to the commissioner and the pro-  
15 visions of subsection (2) of this section shall not apply to subdivided or series  
16 partitioned lands described by ORS 92.325 [(3)(h)] **(1)(h)**.

17 **SECTION 15.** ORS 92.325 is amended to read:

18 92.325. (1) [*Except as provided in subsection (2) of this section, no person*  
19 *shall*] **A person may not** sell or lease any subdivided lands or series parti-  
20 tioned lands without having complied with all the applicable provisions of  
21 ORS 92.305 to 92.495[.]

22 [(2) *With respect to a developer, chapter 643, Oregon Laws 1975, applies*  
23 *only to a developer who acquires a lot, parcel or interest in a subdivision or*  
24 *series partition for which a public report has been issued after September 13,*  
25 *1975, and a developer who acquires a lot or parcel in a subdivision for which*  
26 *a revised public report has been issued under ORS 92.410.]*

27 [(3) *Except as otherwise provided in paragraph (g) of this subsection,*] **ex-**  
28 **cept that** ORS 92.305 to 92.495 do not apply to the sale or leasing of:

29 (a) Apartments or similar space within an apartment building;

30 (b) Cemetery lots, parcels or units in Oregon;

31 (c) Subdivided lands and series partitioned lands in Oregon that are not

1 in unit ownership or being developed as unit ownerships created under ORS  
2 chapter 100, to be used for residential purposes and that qualify under ORS  
3 92.337;

4 (d) Property submitted to the provisions of ORS chapter 100;

5 (e) Subdivided lands and series partitioned lands in Oregon expressly  
6 zoned for and limited in use to nonresidential industrial or nonresidential  
7 commercial purposes;

8 (f) Lands in this state sold by lots or parcels of not less than 160 acres  
9 each;

10 (g) Timeshares regulated or otherwise exempt under ORS 94.803 and 94.807  
11 to 94.945;

12 (h) **Except as provided in subsection (2) of this section**, subdivided  
13 and series partitioned lands in a city or county which, at the time tentative  
14 approval of a subdivision plat and each partition map for those lands is given  
15 under ORS 92.040 or an ordinance adopted under ORS 92.046, has a compre-  
16 hensive plan and implementing ordinances that have been acknowledged un-  
17 der ORS 197.251[. *The subdivider or series partitioner of such lands shall*  
18 *comply with ORS 92.425, 92.427, 92.430, 92.433, 92.460 and 92.485 in the sale*  
19 *or leasing of such lands*]; [or]

20 (i) Mobile home or manufactured dwelling parks, as defined in ORS  
21 446.003, located in Oregon[.]; **or**

22 (j) **Parcels created by series partitions that are conducted as middle**  
23 **housing land division under ORS 92.031.**

24 **(2) The subdivider or series partitioner of lands under subsection**  
25 **(1)(h) of this section shall comply with ORS 92.425, 92.427, 92.430, 92.433,**  
26 **92.460 and 92.485 in the sale or leasing of such lands.**

27 **SECTION 16.** ORS 197A.420 is amended to read:

28 197A.420. (1) As used in this section:

29 (a) “City” or “city with a population of 25,000 or greater” includes, re-  
30 gardless of size, any city within Tillamook County and the communities of  
31 Barview/Twin Rocks/Watseco, Cloverdale, Hebo, Neahkahnie, Neskowin,

1 Netarts, Oceanside and Pacific City/Woods.

2 (b) “Cottage clusters” means groupings of no fewer than four detached  
3 housing units per acre with a footprint of less than 900 square feet each and  
4 that include a common courtyard.

5 (c) “Middle housing” means:

6 (A) Duplexes;

7 (B) Triplexes;

8 (C) Quadplexes;

9 (D) Cottage clusters; and

10 (E) Townhouses.

11 (d) “Townhouses” means a dwelling unit constructed in a row of two or  
12 more attached units, where each dwelling unit [*is*] **will be** located on an in-  
13 dividual lot or parcel and [*shares*] **share** at least one common wall with an  
14 adjacent unit.

15 (2) Except as provided in subsection (4) of this section, each city with a  
16 population of 25,000 or greater and each county or city within a metropolitan  
17 service district shall allow the development of:

18 (a) All middle housing types in areas zoned for residential use that allow  
19 for the development of detached single-family dwellings; and

20 (b) A duplex on each lot or parcel zoned for residential use that allows  
21 for the development of detached single-family dwellings.

22 (3) Except as provided in subsection (4) of this section, each city not  
23 within a metropolitan service district with a population of 2,500 or greater  
24 and less than 25,000 shall allow the development of a duplex on each lot or  
25 parcel zoned for residential use that allows for the development of detached  
26 single-family dwellings. Nothing in this subsection prohibits a local govern-  
27 ment from allowing middle housing types in addition to duplexes.

28 (4)(a) Except within Tillamook County, this section does not apply to:

29 (A) Cities with a population of 1,000 or fewer, except inside of Tillamook  
30 County;

31 (B) Lands not within an urban growth boundary;

1 (C) Lands that are not incorporated and also lack sufficient urban ser-  
2 vices, as defined in ORS 195.065; or

3 (D) Lands that are not incorporated and are zoned under an interim zon-  
4 ing designation that maintains the land's potential for planned urban devel-  
5 opment.

6 (b) This section does not apply to lands that are not zoned for residential  
7 use, including lands zoned primarily for commercial, industrial, agricultural  
8 or public uses.

9 (5) Local governments may regulate siting and design of middle housing  
10 required to be permitted under this section, provided that the regulations do  
11 not, individually or cumulatively, discourage the development of all middle  
12 housing types permitted in the area through unreasonable costs or delay.  
13 Local governments may regulate middle housing to comply with protective  
14 measures adopted pursuant to statewide land use planning goals.

15 (6) This section does not prohibit local governments from permitting:

16 (a) Single-family dwellings in areas zoned to allow for single-family  
17 dwellings; or

18 (b) Middle housing in areas not required under this section.

19 (7) A local government that amends its comprehensive plan or land use  
20 regulations relating to allowing additional middle housing is not required to  
21 consider whether the amendments significantly affect an existing or planned  
22 transportation facility.

23

24 **MANUFACTURED STRUCTURE DOCUMENTATION**

25

26 **SECTION 17.** ORS 446.571 is amended to read:

27 446.571. (1)(a) Except as provided in paragraph (b) of this subsection, the  
28 owner of a manufactured structure [*shall*] **may** apply to the Department of  
29 Consumer and Business Services for an ownership document. Upon receipt  
30 of an application in appropriate form as described in ORS 446.736 (2), the  
31 Department of Consumer and Business Services shall issue an ownership

1 document for a manufactured structure. Except as provided in ORS 308.875,  
2 a manufactured structure for which an ownership document is issued is  
3 subject to assessment and taxation as personal property under the ad  
4 valorem tax laws of this state.

5 (b)(A) For a new manufactured structure, except as provided in subpara-  
6 graph (C) of this paragraph, the application must be filed on behalf of the  
7 owner by the manufactured structure dealer as provided in ORS 446.736, by  
8 a lender or by an escrow agent as provided in ORS 446.591.

9 (B) For a used manufactured structure, except as provided in subpara-  
10 graph (C) of this paragraph, [*the owner must*] **only the owner may** file the  
11 application with the county assessor for the county in which the manufac-  
12 tured structure is sited.

13 (C) If a dealer, lender or escrow agent refuses to file an application as  
14 required by subparagraph (A) of this paragraph, or if a county assessor re-  
15 fuses to accept an application in appropriate form as required by subpara-  
16 graph (B) of this paragraph, the owner may file an application for an  
17 ownership document directly with the department.

18 (2) The department shall maintain ownership records on manufactured  
19 structures for which the department has issued ownership documents. The  
20 department shall maintain a record of ownership documents or other docu-  
21 ments evidencing ownership that have been canceled.

22 (3) The department shall note all security interests in the manufactured  
23 structure on the ownership document and in the records maintained by the  
24 department pursuant to subsection (2) of this section. The recording of the  
25 security interests in the records maintained by the department is construc-  
26 tive notice of the interests.

27 (4) The department shall send the ownership document to the holder of  
28 the earliest perfected unreleased security interest in the manufactured  
29 structure or, if none, to the owner of the structure. The department shall  
30 also send a copy of the ownership document to the county assessor for the  
31 county in which the manufactured structure is being sited.

1 (5) If an interest in a manufactured structure other than an ownership  
2 interest is satisfied or assigned, **unless the satisfaction or assignment is**  
3 **recorded in the deed records of the county**, the holder of the interest  
4 shall notify the department. If the holder of the satisfied interest is in pos-  
5 session of the ownership document for the structure, the holder shall return  
6 the ownership document to the department. The department shall adjust the  
7 ownership document and send the adjusted ownership document and copy as  
8 described in subsection (4) of this section.

9 **SECTION 18.** ORS 446.626 is amended to read:

10 446.626. (1) The owner of a manufactured structure that qualifies under  
11 this subsection may apply to the county assessor to have the structure re-  
12 corded in the deed records of the county. **The county assessor shall ac-**  
13 **cept a mortgage on real property that describes the structure and that**  
14 **is recorded in the real property records of the county as an application**  
15 **to have the structure recorded. Otherwise,** the application must be on a  
16 form approved by the Department of Consumer and Business Services. The  
17 application must include a description of the location of the real property  
18 on which the manufactured structure is or will be sited. If the structure is  
19 being sold by a manufactured structure dealer, the dealer may file the ap-  
20 plication on behalf of the owner within the time described in ORS 446.736  
21 (7). A manufactured structure qualifies for recording in the deed records if  
22 the owner of the structure:

- 23 (a) Also owns the land on which the manufactured structure is located;  
24 (b) Is the holder of a recorded leasehold estate of 20 years or more if the  
25 lease specifically permits the manufactured structure owner to record the  
26 structure under this section; or  
27 (c) Is a member of a manufactured dwelling park nonprofit cooperative  
28 formed under ORS 62.800 to 62.815 that owns the land on which the manu-  
29 factured structure is located.

30 (2) If the assessor, as agent for the department, determines that the  
31 manufactured structure qualifies for recording in the deed records of the

1 county, the assessor shall cause the structure to be recorded in the deed re-  
2 cords. The deed records must contain any unreleased security interest in the  
3 manufactured structure. If the department has issued an ownership document  
4 for the manufactured structure, the owner must submit the ownership docu-  
5 ment to the assessor with the application described in subsection (1) of this  
6 section. Upon recording the manufactured structure in the deed records, the  
7 assessor shall send the ownership document to the department for cancella-  
8 tion. The department shall cancel the ownership document and send confir-  
9 mation of the cancellation to the assessor and the owner.

10 (3) The recording of a security interest in the deed records of the county  
11 under this section satisfies the requirements for filing a financing statement  
12 for a fixture to real property under ORS 79.0502. The recording of a manu-  
13 factured structure in the deed records of the county is independent of the  
14 assessment and taxation of the structure as real property under ORS 308.875.  
15 The recording of a manufactured structure in the deed records of the county  
16 makes the structure subject to the same provisions of law applicable to any  
17 other building, housing or structure on the land. However, the manufactured  
18 structure may not be sold separately from the land or leasehold estate unless  
19 the owner complies with subsection (4) of this section.

20 (4) The owner of a manufactured structure that is recorded in the deed  
21 records of the county may apply to have the structure removed from the deed  
22 records and an ownership document issued for the structure. Unless the  
23 manufactured structure is subject to ORS 446.631, the owner must apply to  
24 the county assessor, as agent for the department, for an ownership document  
25 as provided in ORS 446.571. Upon approval of the application, the assessor  
26 shall terminate the recording of the manufactured structure in the deed re-  
27 cords.

28 (5) If a manufactured structure described in subsection (1)(b) or (c) of this  
29 section is recorded in the deed records, the owner of the structure has a real  
30 property interest in the manufactured structure for purposes of:

31 (a) Recordation of documents pursuant to ORS 93.600 to 93.802, 93.804,



1 93.806 and 93.808;

2 (b) Deed forms pursuant to ORS 93.850 to 93.870;

3 (c) Mortgages, trust deeds and other liens pursuant to ORS chapters 86,  
4 87 and 88; and

5 (d) Real property tax collection pursuant to ORS chapters 311 and 312.  
6 The structure owner is considered the owner of the real property for pur-  
7 poses of assessing the structure under ORS 308.875.

8

9

## TENANT HOSPITALIZATION

10

11 **SECTION 19.** ORS 90.260 is amended to read:

12 90.260. (1) A landlord may impose a late charge or fee, however desig-  
13 nated, only if:

14 (a) The rent payment is not received by the fourth day of the weekly or  
15 monthly rental period for which rent is payable; and

16 (b) There exists a written rental agreement that specifies:

17 (A) The tenant's obligation to pay a late charge on delinquent rent pay-  
18 ments;

19 (B) The type and amount of the late charge, as described in subsection (2)  
20 of this section; and

21 (C) The date on which rent payments are due and the date or day on  
22 which late charges become due.

23 (2) The amount of any late charge may *[not exceed]* **be calculated only**  
24 **in one of the following ways:**

25 (a) A reasonable *[flat]* amount, charged once per rental period. **As used**  
26 **in this subsection,** "reasonable amount" means the customary amount  
27 charged by landlords for that rental market[;].

28 (b) A reasonable amount, charged on a per-day basis, beginning on the  
29 fifth day of the rental period for which rent is delinquent. This daily charge  
30 may accrue every day thereafter until the rent, not including any late  
31 charge, is paid in full, through that rental period only. The per-day charge

1 may not exceed six percent of the amount described in paragraph (a) of this  
2 subsection[; *or*].

3 (c) **Not more than** five percent of the periodic rent payment amount,  
4 charged once for each succeeding [*five-day*] period **of at least five days**, or  
5 portion thereof, for which the rent payment is delinquent, beginning on the  
6 fifth day of that rental period and continuing and accumulating until that  
7 rent payment, not including any late charge, is paid in full, through that  
8 rental period only.

9 (3) In periodic tenancies, a landlord may change the type or amount of  
10 late charge by giving 30 days' written notice to the tenant.

11 (4) A landlord may not deduct a previously imposed late charge from a  
12 current or subsequent rental period rent payment, thereby making that rent  
13 payment delinquent for imposition of a new or additional late charge or for  
14 termination of the tenancy for nonpayment under ORS 90.394.

15 (5) A landlord may charge simple interest on an unpaid late charge at the  
16 rate allowed for judgments pursuant to ORS 82.010 (2) and accruing from the  
17 date the late charge is imposed.

18 (6) Nonpayment of a late charge alone is not grounds for termination of  
19 a rental agreement for nonpayment of rent under ORS 90.394, but is grounds  
20 for termination of a rental agreement for cause under ORS 90.392 or 90.630  
21 (1). A landlord may note the imposition of a late charge on a nonpayment  
22 of rent termination notice under ORS 90.394, so long as the notice states or  
23 otherwise makes clear that the tenant may cure the nonpayment notice by  
24 paying only the delinquent rent, not including any late charge, within the  
25 allotted time.

26 (7) A late charge includes an increase or decrease in the regularly  
27 charged periodic rent payment imposed because a tenant does or does not  
28 pay that rent by a certain date.

29 **(8) A tenant may not be assessed a late charge under this section**  
30 **based on nonpayment occurring on or during the dates that the tenant**  
31 **is hospitalized and for three days after, if the tenant gives written**

1 **notice to the landlord demonstrating the hospitalization within 15 days**  
2 **after discharge.**

3 **SECTION 20.** ORS 90.394 is amended to read:

4 90.394. The landlord may terminate the rental agreement for nonpayment  
5 of rent and take possession as provided in ORS 105.100 to 105.168, as follows:

6 (1) When the tenancy is a week-to-week tenancy, by delivering to the  
7 tenant at least 72 hours' written notice of nonpayment and the landlord's  
8 intention to terminate the rental agreement if the rent is not paid within  
9 that period. The landlord shall give this notice no sooner than on the fifth  
10 day of the rental period, including the first day the rent is due.

11 (2) For all tenancies other than week-to-week tenancies, by delivering to  
12 the tenant:

13 (a) At least 10 days' written notice of nonpayment and the landlord's in-  
14 tention to terminate the rental agreement if the rent is not paid within that  
15 period. The landlord shall give this notice no sooner than on the eighth day  
16 of the rental period, including the first day the rent is due; or

17 (b) At least 13 days' written notice of nonpayment and the landlord's in-  
18 tention to terminate the rental agreement if the rent is not paid within that  
19 period. The landlord shall give this notice no sooner than on the fifth day  
20 of the rental period, including the first day the rent is due.

21 (3) The notice described in this section must also specify the amount of  
22 rent that must be paid and the date and time by which the tenant must pay  
23 the rent to cure the nonpayment of rent.

24 (4) Payment by a tenant who has received a notice under this section is  
25 timely if mailed to the landlord within the period of the notice unless:

26 (a) The notice is served on the tenant:

27 (A) By personal delivery as provided in ORS 90.155 (1)(a);

28 (B) By first class mail and attachment as provided in ORS 90.155 (1)(c);

29 or

30 (C) By first class mail and electronic mail as provided in ORS 90.155 (5);

31 (b) A written rental agreement and the notice expressly state that pay-

1 ment is to be made at a specified location that is either on the premises or  
2 at a place where the tenant has made all previous rent payments in person;  
3 and

4 (c) The place so specified is available to the tenant for payment  
5 throughout the period of the notice.

6 **(5) A notice period described in this section does not run during the**  
7 **days that a tenant is hospitalized or the three days following**  
8 **hospitalization, if the tenant provides written notice to the landlord**  
9 **demonstrating the hospitalization on or before the earlier of:**

10 **(a) Fifteen days following discharge; or**

11 **(b) The date of a first appearance based on the notice as described**  
12 **in ORS 105.137.**

13 **SECTION 21. The amendments to ORS 90.260 and 90.394 by sections**  
14 **19 and 20 of this 2024 Act apply to hospitalizations occurring on or af-**  
15 **ter the effective date of this 2024 Act.**

16 **SECTION 22. ORS 90.100 is amended to read:**

17 90.100. As used in this chapter, unless the context otherwise requires:

18 (1) “Accessory building or structure” means any portable, demountable  
19 or permanent structure, including but not limited to cabanas, ramadas,  
20 storage sheds, garages, awnings, carports, decks, steps, ramps, piers and  
21 pilings, that is:

22 (a) Owned and used solely by a tenant of a manufactured dwelling or  
23 floating home; or

24 (b) Provided pursuant to a written rental agreement for the sole use of  
25 and maintenance by a tenant of a manufactured dwelling or floating home.

26 (2) “Action” includes recoupment, counterclaim, setoff, suit in equity and  
27 any other proceeding in which rights are determined, including an action for  
28 possession.

29 (3) “Applicant screening charge” means any payment of money required  
30 by a landlord of an applicant prior to entering into a rental agreement with  
31 that applicant for a residential dwelling unit, the purpose of which is to pay

1 the cost of processing an application for a rental agreement for a residential  
2 dwelling unit.

3 (4) “Attorney” includes an associate member of the Oregon State Bar  
4 practicing law within the member’s approved scope of practice.

5 (5) “Bias crime” has the meaning given that term in ORS 147.380.

6 (6) “Building and housing codes” includes any law, ordinance or govern-  
7 mental regulation concerning fitness for habitation, or the construction,  
8 maintenance, operation, occupancy, use or appearance of any premises or  
9 dwelling unit.

10 (7) “Carbon monoxide alarm” has the meaning given that term in ORS  
11 105.836.

12 (8) “Carbon monoxide source” has the meaning given that term in ORS  
13 105.836.

14 (9) “Conduct” means the commission of an act or the failure to act.

15 (10) “DBH” means the diameter at breast height, which is measured as  
16 the width of a standing tree at four and one-half feet above the ground on  
17 the uphill side.

18 (11) “Dealer” means any person in the business of selling, leasing or dis-  
19 tributing new or used manufactured dwellings or floating homes to persons  
20 who purchase or lease a manufactured dwelling or floating home for use as  
21 a residence.

22 (12) “Domestic violence” means:

23 (a) Abuse between family or household members, as those terms are de-  
24 fined in ORS 107.705; or

25 (b) Abuse, as defined in ORS 107.705, between partners in a dating re-  
26 lationship.

27 (13) “Drug and alcohol free housing” means a dwelling unit described in  
28 ORS 90.243.

29 (14) “Dwelling unit” means a structure or the part of a structure that is  
30 used as a home, residence or sleeping place by one person who maintains a  
31 household or by two or more persons who maintain a common household.

1 “Dwelling unit” regarding a person who rents a space for a manufactured  
2 dwelling or recreational vehicle or regarding a person who rents moorage  
3 space for a floating home as defined in ORS 830.700, but does not rent the  
4 home, means the space rented and not the manufactured dwelling, recre-  
5 ational vehicle or floating home itself.

6 (15) “Essential service” means:

7 (a) For a tenancy not consisting of rental space for a manufactured  
8 dwelling, floating home or recreational vehicle owned by the tenant and not  
9 otherwise subject to ORS 90.505 to 90.850:

10 (A) Heat, plumbing, hot and cold running water, gas, electricity, light  
11 fixtures, locks for exterior doors, latches for windows and any cooking ap-  
12 pliance or refrigerator supplied or required to be supplied by the landlord;  
13 and

14 (B) Any other service or habitability obligation imposed by the rental  
15 agreement or ORS 90.320, the lack or violation of which creates a serious  
16 threat to the tenant’s health, safety or property or makes the dwelling unit  
17 unfit for occupancy.

18 (b) For a tenancy consisting of rental space for a manufactured dwelling,  
19 floating home or recreational vehicle owned by the tenant or that is other-  
20 wise subject to ORS 90.505 to 90.850:

21 (A) Sewage disposal, water supply, electrical supply and, if required by  
22 applicable law, any drainage system; and

23 (B) Any other service or habitability obligation imposed by the rental  
24 agreement or ORS 90.730, the lack or violation of which creates a serious  
25 threat to the tenant’s health, safety or property or makes the rented space  
26 unfit for occupancy.

27 (16) “Facility” means a manufactured dwelling park or a marina.

28 (17) “Fee” means a nonrefundable payment of money.

29 (18) “First class mail” does not include certified or registered mail, or any  
30 other form of mail that may delay or hinder actual delivery of mail to the  
31 recipient.

1 (19) “Fixed term tenancy” means a tenancy that has a fixed term of ex-  
2 istence, continuing to a specific ending date and terminating on that date  
3 without requiring further notice to effect the termination.

4 (20) “Floating home” has the meaning given that term in ORS 830.700.  
5 “Floating home” includes an accessory building or structure.

6 (21) “Good faith” means honesty in fact in the conduct of the transaction  
7 concerned.

8 (22) “Hazard tree” means a tree that:

9 (a) Is located on a rented space in a manufactured dwelling park;

10 (b) Measures at least eight inches DBH; and

11 (c) Is considered, by an arborist licensed as a landscape construction  
12 professional pursuant to ORS 671.560 and certified by the International So-  
13 ciety of Arboriculture, to pose an unreasonable risk of causing serious  
14 physical harm or damage to individuals or property in the near future.

15 **(23) “Hospitalized” means being admitted to a hospital or emergency**  
16 **department for inpatient care that results in an overnight stay in a**  
17 **health care facility as defined in ORS 442.015.**

18 [(23)] (24) “Hotel or motel” means “hotel” as that term is defined in ORS  
19 699.005.

20 [(24)] (25) “Informal dispute resolution” includes voluntary consultation  
21 between the landlord or landlord’s agent and one or more tenants or volun-  
22 tary mediation utilizing the services of a third party, but does not include  
23 mandatory mediation or arbitration.

24 [(25)] (26) “Landlord” means the owner, lessor or sublessor of the dwelling  
25 unit or the building or premises of which it is a part. “Landlord” includes  
26 a person who is authorized by the owner, lessor or sublessor to manage the  
27 premises or to enter into a rental agreement.

28 [(26)] (27) “Landlord’s agent” means a person who has oral or written  
29 authority, either express or implied, to act for or on behalf of a landlord.

30 [(27)] (28) “Last month’s rent deposit” means a type of security deposit,  
31 however designated, the primary function of which is to secure the payment

1 of rent for the last month of the tenancy.

2 [(28)] **(29)** “Manufactured dwelling” means a residential trailer, a mobile  
3 home or a manufactured home as those terms are defined in ORS 446.003 or  
4 a prefabricated structure. “Manufactured dwelling” includes an accessory  
5 building or structure.

6 [(29)] **(30)** “Manufactured dwelling park” means a place where four or  
7 more manufactured dwellings are located, the primary purpose of which is  
8 to rent space or keep space for rent to any person for a charge or fee.

9 [(30)] **(31)** “Marina” means a moorage of contiguous dwelling units that  
10 may be legally transferred as a single unit and are owned by one person  
11 where four or more floating homes are secured, the primary purpose of which  
12 is to rent space or keep space for rent to any person for a charge or fee.

13 [(31)] **(32)** “Marina purchase association” means a group of three or more  
14 tenants who reside in a marina and have organized for the purpose of even-  
15 tual purchase of the marina.

16 [(32)] **(33)** “Month-to-month tenancy” means a tenancy that automatically  
17 renews and continues for successive monthly periods on the same terms and  
18 conditions originally agreed to, or as revised by the parties, until terminated  
19 by one or both of the parties.

20 [(33)] **(34)** “Organization” includes a corporation, government, govern-  
21 mental subdivision or agency, business trust, estate, trust, partnership or  
22 association, two or more persons having a joint or common interest, and any  
23 other legal or commercial entity.

24 [(34)] **(35)** “Owner” includes a mortgagee in possession and means one or  
25 more persons, jointly or severally, in whom is vested:

- 26 (a) All or part of the legal title to property; or  
27 (b) All or part of the beneficial ownership and a right to present use and  
28 enjoyment of the premises.

29 [(35)] **(36)** “Person” includes an individual or organization.

30 [(36)] **(37)** “Prefabricated structure” means a structure that is substan-  
31 tially constructed or assembled using closed construction at an off-site lo-



1 cation in compliance with the state building code and that is sited and  
2 occupied by the owner in compliance with local codes.

3 [(37)] **(38)** “Premises” means:

4 (a) A dwelling unit and the structure of which it is a part and facilities  
5 and appurtenances therein;

6 (b) Grounds, areas and facilities held out for the use of tenants generally  
7 or the use of which is promised to the tenant; and

8 (c) A facility for manufactured dwellings or floating homes.

9 [(38)] **(39)** “Prepaid rent” means any payment of money to the landlord for  
10 a rent obligation not yet due. In addition, “prepaid rent” means rent paid for  
11 a period extending beyond a termination date.

12 [(39)] **(40)** “Recreational vehicle” has the meaning given that term in ORS  
13 174.101.

14 [(40)] **(41)** “Recreational vehicle park” has the meaning given that term  
15 in ORS 197.492.

16 [(41)(a)] **(42)(a)** “Rent” means any payment to be made to the landlord  
17 under the rental agreement, periodic or otherwise, in exchange for the right  
18 of a tenant and any permitted pet to occupy a dwelling unit to the exclusion  
19 of others and to use the premises.

20 (b) “Rent” does not include security deposits, fees or utility or service  
21 charges as described in ORS 90.315 (4) and 90.562.

22 [(42)] **(43)** “Rental agreement” means all agreements, written or oral, and  
23 valid rules and regulations adopted under ORS 90.262 or 90.510 (6) embodying  
24 the terms and conditions concerning the use and occupancy of a dwelling  
25 unit and premises. “Rental agreement” includes a lease. A rental agreement  
26 is either a week-to-week tenancy, month-to-month tenancy or fixed term  
27 tenancy.

28 [(43)] **(44)** “Roomer” means a person occupying a dwelling unit that does  
29 not include a toilet and either a bathtub or a shower and a refrigerator,  
30 stove and kitchen, all provided by the landlord, and where one or more of  
31 these facilities are used in common by occupants in the structure.

1 [(44)] (45) “Screening or admission criteria” means a written statement  
2 of any factors a landlord considers in deciding whether to accept or reject  
3 an applicant and any qualifications required for acceptance. “Screening or  
4 admission criteria” includes, but is not limited to, the rental history, char-  
5 acter references, public records, criminal records, credit reports, credit ref-  
6 erences and incomes or resources of the applicant.

7 [(45)] (46) “Security deposit” means a refundable payment or deposit of  
8 money, however designated, the primary function of which is to secure the  
9 performance of a rental agreement or any part of a rental agreement. “Se-  
10 curity deposit” does not include a fee.

11 [(46)] (47) “Sexual assault” has the meaning given that term in ORS  
12 147.450.

13 [(47)] (48) “Squatter” means a person occupying a dwelling unit who is  
14 not so entitled under a rental agreement or who is not authorized by the  
15 tenant to occupy that dwelling unit. “Squatter” does not include a tenant  
16 who holds over as described in ORS 90.427 (11).

17 [(48)] (49) “Stalking” means the behavior described in ORS 163.732.

18 [(49)] (50) “Statement of policy” means the summary explanation of in-  
19 formation and facility policies to be provided to prospective and existing  
20 tenants under ORS 90.510.

21 [(50)] (51) “Surrender” means an agreement, express or implied, as de-  
22 scribed in ORS 90.148 between a landlord and tenant to terminate a rental  
23 agreement that gave the tenant the right to occupy a dwelling unit.

24 [(51)] (52) “Tenant”:

25 (a) Except as provided in paragraph (b) of this subsection:

26 (A) Means a person, including a roomer, entitled under a rental agree-  
27 ment to occupy a dwelling unit to the exclusion of others, including a  
28 dwelling unit owned, operated or controlled by a public housing authority.

29 (B) Means a minor, as defined and provided for in ORS 109.697.

30 (b) For purposes of ORS 90.505 to 90.850, means only a person who owns  
31 and occupies as a residence a manufactured dwelling or a floating home in

1 a facility and persons residing with that tenant under the terms of the rental  
2 agreement.

3 (c) Does not mean a guest or temporary occupant.

4 [(52)] **(53)** “Transient lodging” means a room or a suite of rooms.

5 [(53)] **(54)** “Transient occupancy” means occupancy in transient lodging  
6 that has all of the following characteristics:

7 (a) Occupancy is charged on a daily basis and is not collected more than  
8 six days in advance;

9 (b) The lodging operator provides maid and linen service daily or every  
10 two days as part of the regularly charged cost of occupancy; and

11 (c) The period of occupancy does not exceed 30 days.

12 [(54)] **(55)** “Vacation occupancy” means occupancy in a dwelling unit, not  
13 including transient occupancy in a hotel or motel, that:

14 (a) Has all of the following characteristics:

15 (A) The occupant rents the unit for vacation purposes only, not as a  
16 principal residence;

17 (B) The occupant has a principal residence other than at the unit; and

18 (C) The period of authorized occupancy does not exceed 45 days; or

19 (b) Is for the rental of a space in a recreational vehicle park on which a  
20 recreational vehicle owned by the occupant will be located and for which:

21 (A) The occupant rents the unit for vacation purposes only, not as a  
22 principal residence;

23 (B) The occupant has a principal residence other than at the space;

24 (C) The period of authorized occupancy does not exceed 90 days;

25 (D) The recreational vehicle is required to be removed from the park at  
26 the end of the occupancy period before a new occupancy may begin; and

27 (E) A written agreement is signed by the occupant that substantially  
28 states: “Your occupancy of this recreational vehicle park is a vacation oc-  
29 cupancy and is NOT subject to the Oregon Residential Landlord and Tenant  
30 Act (ORS chapter 90).”

31 [(55)] **(56)** “Victim” means:

1 (a) The person against whom an incident related to domestic violence,  
2 sexual assault, bias crime or stalking is perpetrated; or

3 (b) The parent or guardian of a minor household member against whom  
4 an incident related to domestic violence, sexual assault, bias crime or stalk-  
5 ing is perpetrated, unless the parent or guardian is the perpetrator.

6 [(56)] (57) “Week-to-week tenancy” means a tenancy that has all of the  
7 following characteristics:

8 (a) Occupancy is charged on a weekly basis and is payable no less fre-  
9 quently than every seven days;

10 (b) There is a written rental agreement that defines the landlord’s and the  
11 tenant’s rights and responsibilities under this chapter; and

12 (c) There are no fees or security deposits, although the landlord may re-  
13 quire the payment of an applicant screening charge, as provided in ORS  
14 90.295.

15 **SECTION 23.** ORS 90.555 is amended to read:

16 90.555. (1) As used in this section:

17 (a) “Actively markets for sale” means that the facility tenant:

18 (A) Places a for-sale sign on the dwelling or home;

19 (B) Retains a broker, real estate agent, or manufactured structure dealer  
20 to assist in the sale; and

21 (C) Advertises the dwelling or home for sale in a newspaper or online.

22 (b) “Facility landlord” means the landlord of the facility.

23 (c) “Facility tenant” means the owner of the manufactured dwelling or  
24 floating home, who is the tenant of the facility landlord under the rental  
25 agreement.

26 (d) “Rental agreement” means the rental agreement between the facility  
27 landlord and facility tenant.

28 (e) “Renter” means a person other than the facility tenant who is lawfully  
29 occupying the manufactured dwelling or floating home under a subleasing  
30 agreement.

31 (f) “Subleasing agreement” means the written agreement between the fa-

1 cility landlord, facility tenant, and renter concerning the occupancy of the  
2 renter and the rights of the parties.

3 (2) A facility tenant may not rent the facility tenant's manufactured  
4 dwelling or floating home to another person for a period exceeding three  
5 days unless the facility landlord, facility tenant and renter enter into a  
6 written subleasing agreement specifying the rights and obligations of the  
7 facility landlord, facility tenant and renter during the renter's occupancy of  
8 the dwelling or home. The subleasing agreement shall require the renter to  
9 timely pay to the facility landlord the space rent, any separately assessed  
10 fees payable under the rental agreement and any separately billed utility or  
11 service charge described in ORS 90.560 to 90.584. The subleasing agreement  
12 shall also grant the renter the same rights as the facility tenant to cure a  
13 violation of the rental agreement for the facility space, to require the facility  
14 landlord to comply with ORS 90.730 and to be protected from retaliatory  
15 conduct under ORS 90.765. This subsection does not authorize a facility  
16 tenant to sublease to a renter in violation of the rental agreement.

17 (3) [*Notwithstanding ORS 90.100 (51),*] A facility tenant who enters into  
18 a subleasing agreement remains the tenant of the facility space and retains  
19 all rights and obligations under the rental agreement and this chapter. The  
20 occupancy by a renter does not constitute abandonment of the dwelling or  
21 home by the facility tenant.

22 (4) The rights and obligations of the renter under a subleasing agreement  
23 are in addition to the rights and obligations retained by the facility tenant  
24 under subsection (3) of this section and any rights or obligations of the fa-  
25 cility tenant and renter under ORS 90.100 to 90.465.

26 (5) Unless otherwise provided in the subleasing agreement, and without  
27 regard to whether the facility landlord terminates the rental agreement, a  
28 facility landlord may terminate a subleasing agreement:

29 (a) Without cause by giving the renter written notice not less than 30  
30 days prior to the termination;

31 (b) If a condition described in ORS 90.380 (5)(b) exists for the facility

1 space, by giving the renter the same notice to which the facility tenant is  
2 entitled under ORS 90.380 (5)(b); or

3 (c) Subject to the right to cure:

4 (A) For nonpayment of facility space rent under ORS 90.394 or 90.630; or

5 (B) For any conduct by the renter that would be a violation of the rental  
6 agreement under ORS 90.396 or 90.398 if committed by the facility tenant.

7 (6) Upon termination of a subleasing agreement by the facility landlord,  
8 whether with or without cause, the renter and the facility tenant are excused  
9 from continued performance under any subleasing agreement.

10 (7)(a) If, during the term of a subleasing agreement, the facility landlord  
11 gives notice to the facility tenant of a rental agreement violation, a law or  
12 ordinance violation or the facility's closure, conversion or sale, the landlord  
13 shall also promptly give a copy of the notice to the renter. The giving of  
14 notice to the renter does not constitute notice to the facility tenant unless  
15 the facility tenant has expressly appointed the renter as the facility tenant's  
16 agent for purposes of receiving notice.

17 (b) If the facility landlord gives notice to the renter that the landlord is  
18 terminating the subleasing agreement, the landlord shall also promptly give  
19 a copy of the notice to the facility tenant by written notice.

20 (c) If, during the term of a subleasing agreement, the facility tenant gives  
21 notice to the facility landlord of a rental agreement violation, termination  
22 of tenancy or sale of the manufactured dwelling or floating home, the facility  
23 tenant shall also promptly give a copy of the notice to the renter.

24 (d) If the renter gives notice to the facility landlord of a violation of ORS  
25 90.730, the renter shall also promptly give a copy of the notice to the facility  
26 tenant.

27 (8) Before entering into a sublease agreement, the facility landlord may  
28 screen a renter under ORS 90.303, but may not apply to the renter credit and  
29 conduct screening criteria that is more restrictive than the landlord applies  
30 to applicants for a tenancy of a dwelling or home that is either owned by  
31 the landlord or on consignment with the landlord under ORS 90.680.

1 (9) Notwithstanding subsection (2) of this section, if a facility landlord  
2 rents or has a policy of renting manufactured dwellings or floating homes  
3 that are listed for sale by the facility landlord, the facility landlord may not  
4 prohibit the facility tenant from entering into a subleasing agreement while  
5 the facility tenant actively markets for sale the facility tenant's manufac-  
6 tured dwelling or floating home.

7 **SECTION 24.** ORS 90.634 is amended to read:

8 90.634. (1) A landlord may not assert a lien under ORS 87.162 for dwelling  
9 unit rent against a manufactured dwelling or floating home located in a fa-  
10 cility. Notwithstanding **ORS 90.675 or the definition of "tenant" in ORS**  
11 **90.100 [(51) and 90.675]** and regardless of whether the owner of a manufac-  
12 tured dwelling or floating home occupies the dwelling or home as a resi-  
13 dence, a facility landlord that is entitled to unpaid rent and receives  
14 possession of the facility space from the sheriff following restitution pursu-  
15 ant to ORS 105.161 may sell or dispose of the dwelling or home as provided  
16 in ORS 90.675.

17 (2) If a manufactured dwelling or floating home was occupied immediately  
18 prior to abandonment by a person other than the facility tenant, and the  
19 name and address of the person are known to the landlord, a landlord selling  
20 or disposing of the dwelling or home under subsection (1) of this section  
21 shall promptly send the person a copy of the notice sent to the facility tenant  
22 under ORS 90.675 (3). Notwithstanding ORS 90.425, the facility landlord may  
23 sell or dispose of goods left in the dwelling or home or upon the dwelling  
24 unit by the person in the same manner as if the goods were left by the fa-  
25 cility tenant. If the name and address of the person are known to the facility  
26 landlord, the landlord shall promptly send the person a copy of the written  
27 notice sent to the facility tenant under ORS 90.425 (3) and allow the person  
28 the time described in the notice to arrange for removal of the goods.

29

30 **SINGLE-UNIT HOUSING PROPERTY TAX EXCEPTION APPROVAL**

31

1        **SECTION 25.** ORS 307.674 is amended to read:

2        307.674. (1) The city shall approve or deny an application filed under ORS  
 3        307.667 within 180 days after receipt of the application. An application not  
 4        acted upon within 180 days shall be deemed approved.

5        [(2) *Final action upon an application by the city shall be in the form of an*  
 6        *ordinance or resolution that shall contain the owner’s name and address, a*  
 7        *description of the structure that is the subject of the application that includes*  
 8        *either the legal description of the property or the assessor’s property account*  
 9        *number and the specific conditions upon which the approval of the application*  
 10        *is based.*]

11        [(3)] **(2)(a)** Following approval and on or before the deadline set forth in  
 12        ORS 307.512, the city shall [*file with the county assessor and*] send a **notice**  
 13        **of approval** to the owner [*at the last-known address of the owner a copy of*  
 14        *the ordinance or resolution approving the application*]. The [*copy shall contain*  
 15        *or be accompanied by a notice explaining*] **notice shall explain** the grounds  
 16        for possible termination of the exemption prior to the end of the exemption  
 17        period or thereafter, and the effects of termination.

18        **(b)** In addition, the city shall file with the county assessor a document  
 19        listing [*the same information otherwise required to be in an ordinance or re-*  
 20        *solution under subsection (2) of this section, as to each application deemed*  
 21        *approved under subsection (1) of this section*] **the owner’s name and ad-**  
 22        **dress, a description of the structure that is the subject of the appli-**  
 23        **cation that includes either the legal description of the property or the**  
 24        **assessor’s property account number and the specific conditions upon**  
 25        **which the approval of the application is based.**

26        [(4)] **(3)** If the application is denied, the city shall state in writing the  
 27        reasons for denial and send notice of denial to the applicant at the last-  
 28        known address of the applicant within 10 days after the denial. The notice  
 29        shall inform the applicant of the right to appeal under ORS 307.687.

30        [(5)] **(4)(a)** The city, after consultation with the county assessor, shall  
 31        establish an application fee in an amount sufficient to cover the cost to be



1 incurred by the city and the assessor in administering ORS 307.651 to 307.687.

2 (b) The application fee shall be paid to the city at the time the applica-  
3 tion for exemption is filed.

4 (c) If the application is approved, the city shall pay the application fee  
5 to the county assessor for deposit in the county general fund, after first de-  
6 ducting that portion of the fee attributable to its own administrative costs  
7 in processing the application.

8 (d) If the application is denied, the city shall retain that portion of the  
9 application fee attributable to its own administrative costs and shall refund  
10 the balance to the applicant.

11 **SECTION 26. The amendments to ORS 307.674 by section 25 of this**  
12 **2024 Act apply to applications approved on or after the effective date**  
13 **of this 2024 Act.**

14 **SECTION 27.** ORS 307.681 is amended to read:

15 307.681. (1)(a) Except as provided in ORS 307.684, if, after an application  
16 has been approved under ORS 307.674, the city finds that any provision of  
17 ORS 307.651 to 307.687 is not being complied with, or any provision required  
18 by the city pursuant to ORS 307.651 to 307.687 is not being complied with,  
19 the city shall give notice to the owner, mailed to the owner's last-known  
20 address, of the proposed termination of the exemption.

21 (b) The notice shall state the reasons for the proposed termination and  
22 shall require the owner to appear at a specified time, not less than 20 days  
23 after mailing the notice, to show cause, if any, why the exemption should  
24 not be terminated.

25 (2)(a) If the owner fails to show cause why the exemption should not be  
26 terminated, **within 10 days following such failure**, the city shall [*adopt an*  
27 *ordinance or resolution stating its findings and terminating the exemption. A*  
28 *copy of the ordinance or resolution*] **give notice to the owner stating its**  
29 **findings terminating the exemption.**

30 (b) **A copy of the notice** shall be filed with the county assessor [*and a*  
31 *copy sent to the owner at the owner's last-known address within 10 days after*

1 *its adoption*].

2 **SECTION 28.** The amendments to ORS 307.681 by section 27 of this  
3 2024 Act apply to notices to owners given under ORS 307.681 (1) on or  
4 after the effective date of this 2024 Act.

5

6 **HOUSE BILL 2001 (2023) TECHNICAL FIXES**

7

8 **SECTION 29.** ORS 184.455 is amended to read:

9 184.455. (1) The Oregon Department of Administrative Services shall al-  
10 locate housing production targets to each city with a population of 10,000  
11 or greater and to each unincorporated urbanized area within the Metro ur-  
12 ban growth boundary. Housing production targets shall describe the propor-  
13 tion of the allocated housing need that the department determines should be  
14 produced by for-profit, nonprofit and public builders in each city within six  
15 years for a city or urbanized area inside Metro and within eight years for  
16 a city or urbanized area outside Metro.

17 (2) The housing production targets must be separated into:

18 (a) A total target; and

19 (b) A target segmented by each income level in ORS 184.453 (4).

20 (3) In establishing housing production targets under this section, the de-  
21 partment:

22 (a) May include a proportion of the allocated housing need to accommo-  
23 date people experiencing homelessness and housing underproduction within  
24 a city greater than the proportion of the 20-year period; **and**

25 *[(b) Is not required to consider allocation of needed housing by Metro under*  
26 *ORS 197A.348 or 197A.350; and]*

27 *[(c)]* (b) Shall coordinate the allocation of the targets with a schedule  
28 developed by the Department of Land Conservation and Development for re-  
29 quiring housing production strategies under ORS 197A.100.

30 **SECTION 30.** ORS 197.320, as amended by section 16, chapter 13, Oregon  
31 Laws 2023, and section 11, chapter 326, Oregon Laws 2023, is amended to

1 read:

2 197.320. The Land Conservation and Development Commission shall issue  
3 an order requiring a local government, state agency or special district to  
4 take action necessary to bring its comprehensive plan, land use regulation,  
5 limited land use decisions or other land use decisions or actions into com-  
6 pliance with the goals, acknowledged comprehensive plan provisions, land  
7 use regulations, housing production strategy or housing acceleration agree-  
8 ments if the commission has good cause to believe:

9 (1) A comprehensive plan or land use regulation adopted by a local gov-  
10 ernment not on a compliance schedule is not in compliance with the goals  
11 by the date set in ORS 197.245 or 197.250 for such compliance.

12 (2) A plan, program, rule or regulation affecting land use adopted by a  
13 state agency or special district is not in compliance with the goals by the  
14 date set in ORS 197.245 or 197.250 for such compliance.

15 (3) A local government is not making satisfactory progress toward per-  
16 formance of its compliance schedule.

17 (4) A state agency is not making satisfactory progress in carrying out its  
18 coordination agreement or the requirements of ORS 197.180.

19 (5) A local government has no comprehensive plan or land use regulation  
20 and is not on a compliance schedule directed to developing the plan or reg-  
21 ulation.

22 (6) A local government has engaged in a pattern or practice of decision-  
23 making that violates an acknowledged comprehensive plan or land use reg-  
24 ulation. In making its determination under this subsection, the commission  
25 shall determine whether there is evidence in the record to support the deci-  
26 sions made. The commission shall not judge the issue solely upon adequacy  
27 of the findings in support of the decisions.

28 (7) A local government has failed to comply with a commission order en-  
29 tered under ORS 197.644.

30 (8) A special district has engaged in a pattern or practice of decision-  
31 making that violates an acknowledged comprehensive plan or cooperative

1 agreement adopted pursuant to ORS 197.020.

2 (9) A special district is not making satisfactory progress toward perform-  
3 ance of its obligations under ORS chapters 195, 197 and 197A.

4 (10) A local government's approval standards, special conditions on ap-  
5 proval of specific development proposals or procedures for approval do not  
6 comply with ORS 197A.400 (1) or (3).

7 (11) A local government is not making satisfactory progress toward  
8 meeting its obligations under ORS 195.065.

9 (12) A local government within the jurisdiction of a metropolitan service  
10 district has failed to make changes to the comprehensive plan or land use  
11 regulations to comply with the regional framework plan of the district or  
12 has engaged in a pattern or practice of decision-making that violates a re-  
13 quirement of the regional framework plan.

14 (13) A city with a population of 10,000 or greater, **as defined in ORS**  
15 **197A.015** [*that*]:

16 (a) Has a pattern or practice of violating housing-related statutes or im-  
17 plementing policies that create unreasonable cost or delay to the production  
18 of housing as described in ORS 197A.400 (1);

19 (b) Has a pattern or practice of creating adverse disparate impacts to  
20 state or federal protected classes or inhibiting equitable access to housing  
21 choice, as described in ORS 197A.100 (2)(b) to (d);

22 (c) Has failed to enter into a housing acceleration agreement as required  
23 under ORS 197A.130 (6); or

24 (d) Has materially breached a term of a housing acceleration agreement  
25 under ORS 197A.130 (8), including a failure to meet the timeline for per-  
26 formance under ORS 197A.130 (8)(a)(A).

27 **SECTION 31.** ORS 197.522 is amended to read:

28 197.522. (1) As used in this section:

29 (a) "Needed housing" has the meaning given that term in ORS  
30 [197A.015] **197A.018**.

31 (b) "Partition" has the meaning given that term in ORS 92.010.

1 (c) "Permit" means a permit as defined in ORS 215.402 and a permit as  
2 defined in ORS 227.160.

3 (d) "Subdivision" has the meaning given that term in ORS 92.010.

4 (2) A local government shall approve an application for a permit, au-  
5 thorization or other approval necessary for the subdivision or partitioning  
6 of, or construction on, any land for needed housing that is consistent with  
7 the comprehensive plan and applicable land use regulations.

8 (3) If an application is inconsistent with the comprehensive plan and ap-  
9 plicable land use regulations, the local government, prior to making a final  
10 decision on the application, shall allow the applicant to offer an amendment  
11 or to propose conditions of approval that would make the application con-  
12 sistent with the plan and applicable regulations. If an applicant seeks to  
13 amend the application or propose conditions of approval:

14 (a) A county may extend the time limitation under ORS 215.427 for final  
15 action by the governing body of a county on an application for needed  
16 housing and may set forth a new time limitation for final action on the  
17 consideration of future amendments or proposals.

18 (b) A city may extend the time limitation under ORS 227.178 for final  
19 action by the governing body of a city on an application for needed housing  
20 and may set forth a new time limitation for final action on the consideration  
21 of future amendments or proposals.

22 (4) A local government shall deny an application that is inconsistent with  
23 the comprehensive plan and applicable land use regulations and that cannot  
24 be made consistent through amendments to the application or the imposition  
25 of reasonable conditions of approval.

26 **SECTION 32. ORS 197.186, 197.200, 197.475, 197.478, 197.480, 197.485,**  
27 **197.488, 197.490, 197.746, 197.748, 197.752, 197.754 and 197.756 are added to**  
28 **and made a part of ORS chapter 197A.**

29 **SECTION 33.** ORS 197.480 is amended to read:

30 197.480. (1) Each city and county governing body shall provide for mobile  
31 home or manufactured dwelling parks as an allowed use:

1 (a) By zoning ordinance and by comprehensive plan designation on  
2 buildable lands within urban growth boundaries; and

3 (b) In areas planned and zoned for a residential density of six to 12 units  
4 per acre sufficient to accommodate the need established pursuant to sub-  
5 sections (2) and (3) of this section.

6 (2) A city or county shall establish a projection of need for mobile home  
7 or manufactured dwelling parks based on:

8 (a) Population projections;

9 (b) Household income levels;

10 (c) Housing market trends of the region; and

11 (d) An inventory of mobile home or manufactured dwelling parks sited in  
12 areas planned and zoned or generally used for commercial, industrial or high  
13 density residential development.

14 (3) The inventory required by subsection (2)(d) and subsection (4) of this  
15 section shall establish the need for areas to be planned and zoned to ac-  
16 commodate the potential displacement of the inventoried mobile home or  
17 manufactured dwelling parks.

18 (4) Notwithstanding the provisions of subsection (1) of this section, a city  
19 or county within Metro, shall inventory the mobile home or manufactured  
20 dwelling parks sited in areas planned and zoned or generally used for com-  
21 mercial, industrial or high density residential development.

22 (5)(a) A city or county may establish clear and objective criteria and  
23 standards for the placement and design of mobile home or manufactured  
24 dwelling parks.

25 (b) If a city or county requires a hearing before approval of a mobile home  
26 or manufactured dwelling park, application of the criteria and standards  
27 adopted pursuant to paragraph (a) of this subsection shall be the sole issue  
28 to be determined at the hearing.

29 (c) No criteria or standards established under paragraph (a) of this sub-  
30 section may be adopted which would preclude the development of mobile  
31 home or manufactured dwelling parks within the intent of ORS 197.475 to

1 [197.493] **197.490.**

2 **SECTION 34.** ORS 197A.348 is amended to read:

3 197A.348. (1) As used in ORS 197A.350 and this section, “needed  
4 housing” means all housing on land zoned for residential use or mixed resi-  
5 dential and commercial use that is determined to meet the need shown for  
6 housing within an urban growth boundary at price ranges and rent levels  
7 that are affordable to households within the county with a variety of in-  
8 comes, including but not limited to households with low incomes, very low  
9 incomes and extremely low incomes, as those terms are defined by the United  
10 States Department of Housing and Urban Development under 42 U.S.C.  
11 1437a. “Needed housing” includes the following housing types:

12 (a) Attached and detached single-family housing, middle housing types as  
13 described in ORS 197A.420 and multiple family housing for both owner and  
14 renter occupancy;

15 (b) Government assisted housing;

16 (c) Mobile home or manufactured dwelling parks as provided in ORS  
17 197.475 to [197.493] **197.490**;

18 (d) Manufactured homes on individual lots planned and zoned for single-  
19 family residential use that are in addition to lots within designated manu-  
20 factured dwelling subdivisions;

21 (e) Agriculture workforce housing; and

22 (f) Single room occupancies as defined in ORS 197A.430.

23 (2) For the purpose of estimating housing needs, as described in ORS  
24 197A.350 (3)(b), Metro shall adopt findings and perform an analysis that es-  
25 timates each of the following factors:

26 (a) Projected needed housing units over the next 20 years;

27 (b) Current housing underproduction;

28 (c) Housing units needed for people experiencing homelessness; and

29 (d) Housing units projected to be converted into vacation homes or second  
30 homes during the next 20 years.

31 (3) Metro shall make the estimate described in subsection (2) of this sec-

1 tion using a shorter time period than since the last review under ORS  
2 197A.350 (2)(a)(B) if Metro finds that the shorter time period will provide  
3 more accurate and reliable data related to housing need. The shorter time  
4 period may not be less than three years.

5 (4) Metro shall use data from a wider geographic area or use a time pe-  
6 riod longer than the time period described in subsection (2) of this section  
7 if the analysis of a wider geographic area or the use of a longer time period  
8 will provide more accurate, complete and reliable data relating to trends af-  
9 fecting housing need than an analysis performed pursuant to subsection (2)  
10 of this section. Metro must clearly describe the geographic area, time frame  
11 and source of data used in an estimate performed under this subsection.

12 (5) Subsection (1)(a) and (d) of this section does not apply to a city with  
13 a population of less than 2,500.

14 (6) Metro may take an exception under ORS 197.732 to the definition of  
15 “needed housing” in subsection (1) of this section in the same manner that  
16 an exception may be taken under the goals.

17 **SECTION 35.** ORS 197.492 is amended to read:

18 197.492. As used in this section and ORS 197.493:

19 (1) **“Manufactured dwelling park” and “mobile home park” have the**  
20 **meanings given those terms in ORS 446.003.**

21 [(1)] (2) “Recreational vehicle” has the meaning given that term in ORS  
22 174.101.

23 [(2)] (3) “Recreational vehicle park”:

24 (a) Means a place where two or more recreational vehicles are located  
25 within 500 feet of one another on a lot, tract or parcel of land under common  
26 ownership and having as its primary purpose:

27 (A) The renting of space and related facilities for a charge or fee; or

28 (B) The provision of space for free in connection with securing the  
29 patronage of a person.

30 (b) Does not mean:

31 (A) An area designated only for picnicking or overnight camping; or



1 (B) A manufactured dwelling park or mobile home park.

2 **SECTION 36.** ORS 197A.018 is amended to read:

3 197A.018. (1) As used in ORS chapter 197A, and except as provided in  
4 subsection (2) of this section:

5 (a) “Needed housing” means housing by affordability level, as described  
6 in ORS 184.453 (4), type, characteristics and location that is necessary to  
7 accommodate the city’s allocated housing need over the 20-year planning  
8 period in effect when the city’s housing capacity is determined.

9 (b) “Needed housing” includes the following housing types:

10 (A) Detached single-family housing, middle housing types as described in  
11 ORS 197A.420 and multifamily housing that is owned or rented;

12 (B) Government assisted housing;

13 (C) Mobile home or manufactured dwelling parks as provided in ORS  
14 197.475 to [197.493] **197.490**;

15 (D) Manufactured homes on individual lots planned and zoned for single-  
16 family residential use that are in addition to lots within designated manu-  
17 factured dwelling subdivisions;

18 (E) Housing for agricultural workers;

19 (F) Housing for individuals with a variety of disabilities, related to mo-  
20 bility or communications, that require accessibility features;

21 (G) Housing for older persons, as defined in ORS 659A.421;

22 (H) Housing for college or university students, if relevant to the region;

23 and

24 (I) Single room occupancies as defined in ORS 197A.430.

25 (2) Subsection (1)(b)(A) and (D) of this section does not apply to:

26 (a) A city with a population of less than 2,500.

27 (b) A county with a population of less than 15,000.

28 (3) At the time that a city is required to inventory its buildable lands  
29 under ORS 197A.270 (2), 197A.280 (2) or 197A.335 (1), the city shall determine  
30 its needed housing under this section.

31 (4) In determining needed housing the city must demonstrate that the

1 projected housing types, characteristics and locations are:

2 (a) Attainable for the allocated housing need by income, including con-  
3 sideration of publicly supported housing;

4 (b) Appropriately responsive to current and projected market trends; and

5 (c) Responsive to the factors in ORS 197A.100 (2)(b) to (d).

6 **SECTION 37.** ORS 197A.210 is amended to read:

7 197A.210. (1) At the time that a city is required to inventory its buildable  
8 lands under ORS 197A.270 (2), 197A.280 (2) or 197A.335 (1), the city shall  
9 inventory its development-ready lands.

10 (2) If the total housing production target is greater than the housing ca-  
11 pacity of development-ready lands, the local government shall take any  
12 actions in ORS 197A.100 (3) that demonstrably prepare lands for development  
13 or redevelopment or increase the housing capacity of existing development-  
14 ready lands.

15 **SECTION 38.** ORS 197A.025 is amended to read:

16 197A.025. (1) In adopting rules under ORS chapter 197A and statewide  
17 planning goals relating to housing or urbanization, or administering the  
18 rules or statutes, the Land Conservation and Development Commission and  
19 Department of Land Conservation and Development shall be guided by the  
20 following principles:

21 (a) Housing that is safe, accessible and affordable in the community of  
22 their choice should be available to every Oregonian.

23 (b) Building enough equitable housing must be a top priority.

24 (c) The development and implementation of the housing production strat-  
25 egy should be the focal point by which the department collaborates with lo-  
26 cal governments to address and eliminate local barriers to housing  
27 production.

28 (d) Expertise, technical assistance, model ordinances and other tools and  
29 resources to address housing production should be provided to local govern-  
30 ments, using cooperative planning tools embodied in ORS 197A.103 and  
31 197A.130, but not to the exclusion of the expedient use of enforcement au-

1 thority, including compliance orders under ORS 197.319 to 197.335.

2 (e) Housing production should support fair and equitable housing out-  
3 comes, environmental justice, climate resilience and access to opportunity.

4 (f) Housing production should not be undermined by litigation, regulatory  
5 uncertainty or repetitive or unnecessary procedures.

6 (g) Local governments, to the greatest extent possible, should take actions  
7 within their control to facilitate the production of housing to meet housing  
8 production targets under ORS 184.455.

9 (2) Each public body, as defined in ORS 174.109, shall use its authority  
10 to remove barriers to, and to create pathways for, the development of needed  
11 housing and shall collaborate with the department and local governments to  
12 identify and implement strategies to support housing production where there  
13 is insufficient housing production and choice.

14 (3) In adopting rules implementing ORS chapter 197A and statewide land  
15 use goals relating to housing and urbanization, the commission may approve  
16 a range of methodologies, policy options or assumptions that a local gov-  
17 ernment may adopt in determining:

18 (a) Needed housing;

19 (b) Housing production strategies or housing coordination strategies;

20 (c) Buildable lands or housing capacity;

21 (d) Amendments to urban growth boundaries, including under ORS  
22 197A.215, 197A.270 (5)(a), 197A.285, **197A.300** to 197A.325, 197A.350 (6)(a) and  
23 197A.362; or

24 (e) Adoption or amendments to urban reserves or rural reserves under  
25 ORS 197A.230 to 197A.250.

26 **SECTION 39.** ORS 197A.215 is amended to read:

27 197A.215. (1) A local government may make a land use decision to approve  
28 an application to remove a lot or parcel from within an urban growth  
29 boundary if:

30 (a) The application is submitted by the owner of the lot or parcel;

31 (b)(A) The lot or parcel is adjacent to the edge of the urban growth

1 boundary; or

2 (B) The lot or parcel is adjacent to another lot or parcel that is removed  
3 under this section;

4 (c) The lot or parcel is assessed under ORS 308A.050 to 308A.128 for its  
5 value for farm use;

6 (d) The lot or parcel is not within the boundaries of a city; and

7 (e) The lot or parcel is not included in an area identified for urban ser-  
8 vices under ORS 197.754.

9 (2) A local government, in deciding whether to approve an application  
10 under subsection (1) of this section, shall consider:

11 (a) The projected costs and other consequences of extending urban ser-  
12 vices to the affected lot or parcel;

13 (b) The potential value in the investment of providing urban services to  
14 the affected lot or parcel;

15 (c) Any requirement for expanding the urban growth boundary in other  
16 areas to compensate for any loss in buildable lands; and

17 (d) The projected costs and other consequences of providing urban ser-  
18 vices to other areas brought in under an expanded urban growth boundary.

19 (3)(a) Land that is removed from within an urban growth boundary pur-  
20 suant to an application approved under this section shall be removed from  
21 any inventory of buildable lands maintained by the local government.

22 (b) A local government that approves an application under this section  
23 shall either expand the urban growth boundary to compensate for any re-  
24 sulting reduction in available buildable lands or increase the development  
25 capacity of the remaining supply of buildable lands consistent with ORS  
26 197A.270, 197A.280, 197A.285, **197A.300** to 197A.325 or 197A.350 (6).

27 **SECTION 40.** ORS 197A.300 is amended to read:

28 197A.300. As used in ORS [197A.285] **197A.300** to 197A.325, “serviceable”  
29 means, with respect to land, that:

30 (1) Adequate sewer, water and transportation capacity for planned urban  
31 development is available or can be either provided or made subject to com-

1 mitted financing; or

2 (2) Committed financing can be in place to provide adequate sewer, water  
3 and transportation capacity for planned urban development.

4 **SECTION 41.** ORS 197A.302 is amended to read:

5 197A.302. The purpose of ORS [~~197A.285~~] **197A.300** to 197A.325 is to direct  
6 the Land Conservation and Development Commission to develop and adopt  
7 simplified methods for a city that is outside Metro to evaluate or amend the  
8 urban growth boundary of the city. The commission should design the  
9 methods to:

10 (1) Become, as a result of reduced costs, complexity and time, the methods  
11 that are used by most cities with growing populations to manage the urban  
12 growth boundaries of the cities;

13 (2) Encourage, to the extent practicable given market conditions, the de-  
14 velopment of urban areas in which individuals desire to live and work and  
15 that are increasingly efficient in terms of land uses and in terms of public  
16 facilities and services;

17 (3) Encourage the conservation of important farm and forest lands, par-  
18 ticularly lands that are needed to sustain agricultural and forest products  
19 industries;

20 (4) Encourage cities to increase the development capacity within the ur-  
21 ban growth boundaries of the cities;

22 (5) Encourage the provision of an adequate supply of serviceable land that  
23 is planned for needed urban residential and industrial development; and

24 (6) Assist residents in understanding the major local government deci-  
25 sions that are likely to determine the form of a city's growth.

26 **SECTION 42.** ORS 197A.325 is amended to read:

27 197A.325. (1) Notwithstanding ORS 197.626, when a city evaluates or  
28 amends the urban growth boundary of the city pursuant to ORS 197A.310 or  
29 197A.312, the Land Use Board of Appeals has jurisdiction for review of a  
30 final decision of the city.

31 (2) The board shall review the final decision of the city under ORS

1 197A.285 **and 197A.300** to 197A.325 as provided in ORS 197.805 to 197.855,  
2 except that:

3 (a) In circumstances in which the Land Conservation and Development  
4 Commission has specified by rule a number or a range of numbers that the  
5 city may use:

6 (A) The city is not required to adopt findings to support the use of the  
7 number or a number within the range of numbers; and

8 (B) The board's review of the number may determine only that the city  
9 has used a number that is allowed by the rule.

10 (b) The board shall affirm an interpretation by a local government of its  
11 comprehensive plan or land use regulations unless that interpretation is  
12 clearly erroneous.

13 (3) Notwithstanding ORS 197.628 and 197.629, when a city evaluates or  
14 amends the urban growth boundary of the city pursuant to ORS 197A.310 or  
15 197A.312, the city is not required to commence or complete periodic review.  
16 The commission shall, by rule, specify alternate means to ensure that the  
17 comprehensive plan and land use regulations of the city comply with the  
18 statewide land use planning goals and are updated over time to reflect  
19 changing conditions and needs.

20 **SECTION 43.** ORS 197A.335 is amended to read:

21 197A.335. (1) At least once every six years, by a date scheduled by the  
22 Land Conservation and Development Commission, a city that is within Metro  
23 and has a population of 10,000 or greater shall[:]

24 [(a)] **determine its needed housing under ORS 197A.018 and** inventory  
25 the supply of buildable lands within the city and determine the housing ca-  
26 pacity of the buildable lands.[:; and]

27 [(b)] *Conduct an analysis of the city's existing and projected needed housing*  
28 *under statewide planning goals and rules related to housing by type, mix,*  
29 *affordability and density range to determine the number of units and amount*  
30 *of land needed for each needed housing type under ORS 197A.018 for the next*  
31 *20 years.*]

1 (2) The housing capacity determination and the needed housing analysis  
2 conducted under this section must be adopted as part of the city's compre-  
3 hensive plan no later than one year after completion of the needed housing  
4 analysis.

5 (3) If the housing capacity and needed housing analysis conducted under  
6 this section demonstrates a housing need, the city shall amend its compre-  
7 hensive plan or land use regulations or take actions to update or implement  
8 its housing production strategy to include new measures that demonstrably  
9 increase the likelihood that development of needed housing will occur for the  
10 type, mix, affordability and densities sufficient to accommodate needed  
11 housing for the next 20 years.

12 **SECTION 44.** ORS 197A.362 is amended to read:

13 197A.362. (1) Metro shall complete the inventory, determination and  
14 analysis required under ORS 197A.350 (3) not later than six years after  
15 completion of the previous inventory, determination and analysis.

16 (2)(a) Metro shall take such action as necessary under ORS 197A.350 (6)(a)  
17 to accommodate one-half of a 20-year buildable land supply determined under  
18 ORS 197A.350 (3) within one year of completing the analysis.

19 (b) Metro shall take all final action under ORS 197A.350 (6)(a) necessary  
20 to accommodate a 20-year buildable land supply determined under ORS  
21 197A.350 (3) within two years of completing the analysis.

22 (c) [*The metropolitan service district*] **Metro** shall take action under ORS  
23 197A.350 (6)(b), within one year after the analysis required under ORS  
24 197A.350 (3)(b) is completed, to provide sufficient buildable land within the  
25 urban growth boundary to accommodate the estimated housing needs for 20  
26 years from the time the actions are completed.

27 (d) [*The metropolitan service district*] **Metro** shall consider and adopt new  
28 measures that the governing body deems appropriate under ORS 197A.350  
29 (6)(b).

30 (3) The commission may grant an extension to the time limits of sub-  
31 section (2) of this section if the Director of the Department of Land Con-

1 servation and Development determines that [*the metropolitan service*  
2 *district*] **Metro** has provided good cause for failing to meet the time limits.

3 (4)(a) Metro shall establish a process to expand the urban growth bound-  
4 ary to accommodate a need for land for a public school that cannot reason-  
5 ably be accommodated within the existing urban growth boundary. Metro  
6 shall design the process to:

7 (A) Accommodate a need that must be accommodated between periodic  
8 analyses of urban growth boundary capacity required by subsection (1) of  
9 this section; and

10 (B) Provide for a final decision on a proposal to expand the urban growth  
11 boundary within four months after submission of a complete application by  
12 a large school district as defined in ORS 195.110.

13 (b) At the request of a large school district, Metro shall assist the district  
14 to identify school sites required by the school facility planning process de-  
15 scribed in ORS 195.110. A need for a public school is a specific type of  
16 identified land need under ORS 197A.355 (3).

17 (5) At least three years after completing its most recent demonstration  
18 of sufficient buildable lands under ORS 197A.350, Metro may, on a single  
19 occasion, revise the determination and analysis required as part of the dem-  
20 onstration for the purpose of considering an amendment to [*the*] Metro's ur-  
21 ban growth boundary, provided:

22 (a) One or more cities within Metro have proposed a development that  
23 would require expansion of the urban growth boundary;

24 (b) The city or cities proposing the development have provided evidence  
25 to Metro that the proposed development would provide additional needed  
26 housing to the needed housing included in the most recent determination and  
27 analysis;

28 (c) The location chosen for the proposed development is adjacent to the  
29 city proposing the development; and

30 (d) The location chosen for the proposed development is located within  
31 an area designated and acknowledged as an urban reserve.



1 (6)(a) If Metro, after revising its most recent determination and analysis  
2 pursuant to subsection (5) of this section, concludes that an expansion of its  
3 urban growth boundary is warranted, Metro may take action to expand its  
4 urban growth boundary in one or more locations to accommodate the pro-  
5 posed development, provided the urban growth boundary expansion does not  
6 exceed a total of 1,000 acres.

7 (b) If Metro expands its urban growth boundary under this subsection,  
8 Metro:

9 (A) Must adopt the urban growth boundary expansion not more than four  
10 years after completing its most recent demonstration of sufficient buildable  
11 lands under ORS 197A.350; and

12 (B) Is exempt from the boundary location requirements described in the  
13 statewide land use planning goals relating to urbanization.

14

15

#### CAPTIONS

16

17 **SECTION 45. The unit captions used in this 2024 Act are provided**  
18 **only for the convenience of the reader and do not become part of the**  
19 **statutory law of this state or express any legislative intent in the**  
20 **enactment of this 2024 Act.**

21

22

#### EFFECTIVE DATE

23

24 **SECTION 46. This 2024 Act takes effect on the 91st day after the**  
25 **date on which the 2024 regular session of the Eighty-second Legislative**  
26 **Assembly adjourns sine die.**

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