

HB 2192 -4 STAFF MEASURE SUMMARY

House Committee On Agriculture, Land Use, Natural Resources, and Water

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Meeting Dates: 2/21, 4/3

WHAT THE MEASURE DOES:

Aligns requirements for alteration, restoration, or replacement of a dwelling on lands zoned for forest use with requirements applicable to dwellings on lands zoned for farm use under ORS 215.213 or 215.284. For a dwelling that was removed, destroyed or demolished: requires that the dwelling tax lot does not have an ad valorem tax lien and the removal, destruction, or demolition occurred on or after January 1, 1973. For a dwelling in state of disrepair so as to be unsafe or constitute an attractive nuisance: requires that the dwelling tax lot does not have an ad valorem tax lien. For any other dwelling: requires that the dwelling was assessed as a dwelling for purpose of ad valorem taxation for either the previous five property tax years, or from the time it was erected or affixed to the land became subject to taxation. Requires that the replacement of a lawfully established dwelling to an allowable nonresidential use must occur within one year after the date of certification or by a date determined by the county, not before 90 days after replacement permit issuance if the structure is unsafe for occupancy or an attractive nuisance. Requires that replacement dwelling be sited on the same lot or parcel, using all or part of the footprint of the replaced dwelling or near certain natural or unnatural boundaries and, if possible, be sited within a cluster of structures or within 500 yards of another structure.

FISCAL: May have fiscal impact, but no statement yet issued

REVENUE: May have revenue impact, but no statement yet issued

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-4 Applies requirements applicable to alteration, restoration, or replacement of lawfully established dwelling on farmland to forestland. Removes all parts of the measure except provisions allowing for a lawfully established dwelling to be altered, restored, or replaced if (1) the county determines that the dwelling formerly had intact exterior walls and roof structure, indoor plumbing, interior wiring for interior lights, and a heating system **and (2) if the dwelling has all required features, it was assessed as a dwelling for purposes of ad valorem taxation since the later of five years before the date of the application, or the date that the dwelling was built and became subject to property tax assessment or (3) if the dwelling does not have all required features, it was assessed as a dwelling for purposes of ad valorem taxation prior to the destruction or demolition and after the later of five years before the date of the loss of a required feature or the date that the dwelling was erected upon or fixed to the land and became subject to property tax assessment.** Modifies underlying statute to remove provisions specifying that applicable construction codes related to building, plumbing, sanitation, and health and safety may not be applied to the replacement dwelling if doing so would prohibit the siting of the replacement dwelling. Requires that an application for a replacement building must be filed within three years following the date that the dwelling last possessed at least one of the required qualifying features. Requires that the construction of the replacement dwelling must commence no later than four years after its application is approved and finalized.

REVENUE: May have revenue impact, but no statement yet issued

FISCAL: May have fiscal impact, but no statement yet issued

BACKGROUND:

In 2013, House Bill 2746 temporarily allowed for the alteration, restoration, or replacement of a dwelling unit on lands zoned for exclusive farm use under certain conditions. In 2019, House Bill 3024 further modified the requirements. The law is set to sunset on June 2, 2024. Current law provides for alteration, restoration, or replacement of lawfully established dwellings as a permitted use on forestland and requires the dwelling to have intact exterior walls, an intact roof structure, indoor plumbing connected to a sanitary waste disposal system, interior electric wiring, and a heating system. If the dwelling is being replaced, it must be removed, demolished, or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling. Forestland dwelling statutes do not allow for alteration, restoration, or replacement of dwellings that no longer have intact walls and other structural components, and do not contain requirements related to ad valorem taxation.

House Bill 2192 would modify requirements for a lawfully established forestland dwelling to be altered, restored, or replaced based on the status of the dwelling.