

# Enrolled House Bill 2898

Sponsored by Representative CATE, Senator SMITH DB; Representatives BOSHART DAVIS,  
EVANS, GOMBERG, GRAYBER, HIEB, KROPF, LEVY B, LEWIS, MARSH (Presession filed.)

CHAPTER .....

AN ACT

Relating to use of recreational vehicles while abating natural disaster damages; amending ORS 197.493 and section 2, chapter 217, Oregon Laws 2021.

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

**SECTION 1.** ORS 197.493 is amended to read:

197.493. (1) A state agency or local government may not prohibit the placement or occupancy of a recreational vehicle, or impose any limit on the length of occupancy of a recreational vehicle as a residential dwelling, solely on the grounds that the occupancy is in a recreational vehicle, if the recreational vehicle is:

- (a)(A) Located in a manufactured dwelling park, mobile home park or recreational vehicle park;
- (B) Occupied as a residential dwelling; and
- (C) Lawfully connected to water and electrical supply systems and a sewage disposal system;

or

(b) On a lot or parcel with a manufactured dwelling or single-family dwelling that is uninhabitable due to damages from a natural [*disasters*] **disaster**, including wildfires, earthquakes, flooding or storms, until no later than the date:

- (A) The dwelling has been repaired or replaced and an occupancy permit has been issued;
- (B) The local government makes a determination that the owner of the dwelling is unreasonably delaying in completing repairs or replacing the dwelling; or
- (C) [*Twenty-four months*] **Five years** after the date the dwelling first became uninhabitable.

(2) Subsection (1) of this section does not limit the authority of a state agency or local government to impose other special conditions on the placement or occupancy of a recreational vehicle.

**SECTION 2.** Section 2, chapter 217, Oregon Laws 2021, as amended by section 3, chapter 520, Oregon Laws 2021, is amended to read:

**Sec. 2.** (1) This section applies only to owners of properties on which structures or uses were destroyed or interrupted by a wildfire that was identified in an executive order issued by the Governor in accordance with the Emergency Conflagration Act under ORS 476.510 to 476.610 between August 1 and September 30, 2020. The local government may alter, restore or replace such a use as provided in this section in lieu of another process.

(2) Except as provided in subsection (4) of this section, a property owner may alter, restore or replace a nonresidential use without further application with the local government if:

- (a) The use was allowed outright as an accessory use, without regard to whether the primary use was destroyed or was or will be restored;
- (b)(A) The use was subject to a land use process; and

(B) A permit, including a conditional permit, was issued for the use notwithstanding any expiration of the permit or any subsequent changes to the law or process; or

(c)(A) The use was established before a requirement that the use be subject to a land use process; and

(B) The replacement use conforms as nearly as practicable to records of the use with the county assessor, building permit information or other reliable records.

(3) The local government shall approve an application to alter, restore or replace a dwelling if the local government determines that the evidence in the record establishes that:

(a) The former dwelling:

(A) Had intact exterior walls and roof structure;

(B) Had indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;

(C) Had interior wiring for interior lights;

(D) Had a heating system; and

(E)(i) Was authorized by building permits or other regulatory approval process by the appropriate authority; or

(ii) Was assessed as a residential dwelling for purposes of ad valorem taxation for the tax year beginning July 1, 2001, and is not subject to unresolved enforcement proceedings questioning the lawfulness of the dwelling; and

(b) The proposed dwelling will:

(A) Not exceed the floor area of the destroyed dwelling by more than 10 percent;

(B) Be adequately served by water, sanitation and roads;

(C) Be located wholly or partially within the footprint of the destroyed dwelling unless the applicant chooses a different location within the same lot or parcel to comply with local flood regulations or to avoid a natural hazard area; and

(D) Comply with applicable building codes that were in effect on the later of:

(i) January 1, 2008; or

(ii) The date of the former dwelling's construction.

(4) A local government may not add conditions to the approval or siting of a dwelling under subsection (3) of this section except as necessary to maintain participation in the National Flood Insurance Program under 42 U.S.C. 4001 et seq. A local government may require that the property owner submit an application for a permit for the approval or siting of a nonresidential use only for the purpose of establishing such conditions that are necessary to maintain participation in the National Flood Insurance Program.

(5) A local government may delegate the approval of an application under subsection (3) of this section to:

(a) A hearings officer, as defined in ORS 215.402 or 227.160;

(b) A planning commission, as described in ORS 215.020; or

(c) A building official, as defined in ORS 455.715.

(6) The findings of the local government or its designee in approving an application under subsection (3) of this section is not a land use decision. The local government may not require an applicant give notice to any nonparty. The findings and conclusions of the local government are entitled to deference if there is any evidence to support the findings and are subject to review only under ORS 34.010 to 34.100.

(7) If a local government determines based on the evidence in the record that the use legally existed, the local government may, through a land use decision, approve an application to alter, restore or replace a use for which a land use application, building permit or other regulatory approval was required but record of the approval is unavailable for:

(a) A dwelling built after January 1, 2001, that complies with subsection (3)(a)(A) to (D) and (b) of this section; or

(b) A nonresidential use or structure.

(8) An application under this section must be filed on or before September 30, 2025.

**(9) For applications described in subsection (3) of this section, the amount of time during which an applicant is permitted to occupy a recreational vehicle under ORS 197.493 (1)(b)(C) is extended to December 30, 2030.**

[9] **(10)** An approval of an application under this section expires only if the property owner has not commenced development of the structure or use on or before December 30, 2030.

**Passed by House March 7, 2023**

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Timothy G. Sekerak, Chief Clerk of House

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Dan Rayfield, Speaker of House

**Passed by Senate June 21, 2023**

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Rob Wagner, President of Senate

**Received by Governor:**

.....M,....., 2023

**Approved:**

.....M,....., 2023

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Tina Kotek, Governor

**Filed in Office of Secretary of State:**

.....M,....., 2023

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Secretary of State