

A-Engrossed House Bill 4063

Ordered by the House February 16
Including House Amendments dated February 16

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Housing and Homelessness for Representative Maxine Dexter)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act makes counties plan for areas of Metro that are not in a city. The Act lets home builders use updated local rules. The Act lets real estate agents accept love letters. The Act amends middle housing land divisions and mobile home registrations. The Act lets city staff grant or end tax exemption for single-unit housing. (Flesch Readability Score: 60.8).

[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.]* **of certain parcels in the year that the parcel was created.**

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. **Allows owner to record an affidavit to affix the dwelling to real property.**

[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

1
2 Relating to housing; creating new provisions; amending ORS 92.031, 92.305, 92.325, 92.425, 184.451,
3 184.453, 184.455, 197.320, 197.480, 197.492, 197.522, 197A.015, 197A.018, 197A.025, 197A.210,
4 197A.215, 197A.300, 197A.302, 197A.325, 197A.335, 197A.348, 197A.362, 215.427, 227.178, 307.674,
5 307.681, 308.875, 446.571, 446.626, 446.736 and 696.805; and prescribing an effective date.

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

NEEDED HOUSING PLANNING IN UNINCORPORATED METRO

9
10 **SECTION 1.** ORS 197A.015 is amended to read:

11 197A.015. As used in *[ORS 197.475 to 197.493 and ORS chapter 197A]* **this chapter:**

12 (1) "Allocated housing need" means the housing need allocated to a city under ORS 184.453 (2)
13 as segmented by income level under ORS 184.453 (4).

14 (2) "Buildable lands" means lands in urban and urbanizable areas that are suitable, available

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

1 and necessary for the development of needed housing over a 20-year planning period, including both
2 vacant land and developed land likely to be redeveloped.

3 (3) “City” and “city with a population of 10,000 or greater” includes, regardless of size[,]:

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

6 **(b) A county with respect to its jurisdiction over Metro urban unincorporated lands.**

7 (4) “Development-ready lands” means buildable lands that are likely to support the production
8 of housing during the period of their housing production target under ORS 184.455 (1) because the
9 lands are:

10 (a) Currently annexed and zoned to allow housing through clear and objective standards and
11 procedures;

12 (b) Readily served through adjacent public facilities or identified for the near-term provision of
13 public facilities through an adopted capital improvement plan; and

14 (c) Not encumbered by any applicable local, state or federal protective regulations or have ap-
15 propriate entitlements to prepare the land for development.

16 (5) “Government assisted housing” means housing that is financed in whole or part by either a
17 federal or state housing agency or a housing authority as defined in ORS 456.005, or housing that
18 is occupied by a tenant or tenants who benefit from rent supplements or housing vouchers provided
19 by either a federal or state housing agency or a local housing authority.

20 (6) “Housing capacity” means the number of needed housing units that can be developed on
21 buildable lands within the 20-year planning period based on the land’s comprehensive plan desig-
22 nation and capacity for housing development and redevelopment.

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

25 (8) “Manufactured dwelling,” “manufactured dwelling park,” “manufactured home” and “mobile
26 home park” have the meanings given those terms in ORS 446.003.

27 **(9) “Metro urban unincorporated lands” means lands within the Metro urban growth
28 boundary that are identified by the county as:**

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

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

31 **(c) Within the boundaries of a sanitary district or sanitary authority formed under ORS
32 chapter 450 or a district formed for the purposes of sewage works under ORS chapter 451;**

33 **(d) Within the service boundaries of a water provider with a water system subject to
34 regulation as described in ORS 448.119; and**

35 **(e) Not zoned with a designation that maintains the land’s potential for future
36 urbanization.**

37 [(9)] (10) “Periodic review” means the process and procedures as set forth in ORS 197.628 to
38 197.651.

39 [(10)] (11) “Prefabricated structure” means a prefabricated structure, as defined in ORS 455.010,
40 that is relocatable, more than eight and one-half feet wide and designed for use as a single-family
41 dwelling.

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

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

1 **unincorporated land.**

2 (2) **In fulfilling a requirement to comply with this chapter, a local government may plan**
3 **for the appropriate urbanization of Metro urbanizable lands, by using methods including ad-**
4 **acent urbanizable lands:**

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

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

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

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

13 **SECTION 4.** **As part of its agency request budget, as described in ORS 291.206, for the**
14 **biennium beginning July 1, 2025, the Department of Land Conservation and Development**
15 **shall include one or more requests for appropriations to the department to implement this**
16 **chapter and statewide land use planning goals related to housing and urbanization within**
17 **Metro urban unincorporated lands by providing technical and financial support to:**

18 (1) **Counties to amend their comprehensive plans, land use regulations and procedures**
19 **and to implement land use planning; and**

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

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

23 184.451. (1) **There is established within the Oregon Department of Administrative Services the**
24 **Oregon Housing Needs Analysis. The purposes of the Oregon Housing Needs Analysis are to further**
25 **the:**

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

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

29 (2) **The Oregon Housing Needs Analysis consists of three components as follows:**

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

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

32 (c) **The housing production targets under ORS 184.455.**

33 (3) **Actions taken by the department under ORS 184.451 to 184.455 are not subject to ORS**
34 **197.180 and are not land use decisions.**

35 (4) **The Department of Land Conservation and Development and the Housing and Community**
36 **Services Department:**

37 (a) **Shall assist the Oregon Department of Administrative Services with its duties under ORS**
38 **184.451 to 184.455.**

39 (b) **May study and recommend methodological changes to the Oregon Department of Adminis-**
40 **trative Services to improve the Oregon Housing Needs Analysis' functions and suitability for its**
41 **purposes under subsection (1) of this section. The departments shall solicit written and oral public**
42 **testimony to inform their recommendations.**

43 (5) **As used in ORS 184.451 to 184.455, "city" [or] and "city with a population of 10,000 or**
44 **greater" [includes cities, as defined in ORS 197A.015, and urban unincorporated communities in**
45 **Metro, as defined in ORS 197.015] have the meanings given those terms in ORS 197A.015.**

1 governing body or its designee shall notify the applicant in writing of exactly what information is
2 missing within 30 days of receipt of the application and allow the applicant to submit the missing
3 information. The application shall be deemed complete for the purpose of subsection (1) of this sec-
4 tion and ORS 197A.470 upon receipt by the governing body or its designee of:

5 (a) All of the missing information;

6 (b) Some of the missing information and written notice from the applicant that no other infor-
7 mation will be provided; or

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

9 (3)(a) If the application was complete when first submitted or the applicant submits additional
10 information[, *as described in subsection (2) of this section,*] within 180 days of the date the application
11 was first submitted [*and the county has a comprehensive plan and land use regulations acknowledged*
12 *under ORS 197.251*], approval or denial of the application [*shall be based*] **must be based:**

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

15 (B) **For an application relating to development of housing, upon the request of the ap-
16 plicant, those standards and criteria that are operative at the time of the request.**

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

19 (A) **For the purposes of this section, any applicable timelines for completeness review and
20 final decisions restart as if a new application were submitted on the date of the request;**

21 (B) **For the purposes of this section and ORS 197A.470 the application is not deemed
22 complete until:**

23 (i) **The county determines that additional information is not required under subsection
24 (2) of this section; or**

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

27 (C) **A county may deny a request under paragraph (a)(B) of this subsection if:**

28 (i) **The county has issued a public notice of the application; or**

29 (ii) **A request under paragraph (a)(B) of this subsection was previously made; and**

30 (D) **The county may not require that the applicant:**

31 (i) **Pay a fee, except to cover additional costs incurred by the county to accommodate the
32 request;**

33 (ii) **Submit a new application or duplicative information, unless information resubmittal
34 is required because the request affects or changes information in other locations in the ap-
35 plication or additional narrative is required to understand the request in context; or**

36 (iii) **Repeat redundant processes or hearings that are inapplicable to the change in stan-
37 dards or criteria.**

38 [*(b) If the application is for industrial or traded sector development of a site identified under sec-
39 tion 12, chapter 800, Oregon Laws 2003, and proposes an amendment to the comprehensive plan, ap-
40 proval or denial of the application must be based upon the standards and criteria that were applicable
41 at the time the application was first submitted, provided the application complies with paragraph (a)*
42 *of this subsection.*]

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

1 (a) All of the missing information;

2 (b) Some of the missing information and written notice that no other information will be pro-
3 vided; or

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

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

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

10 (a) Only to decisions wholly within the authority and control of the governing body of the
11 county; and

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

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

16 (a) A decision of the county making a change to an acknowledged comprehensive plan or a land
17 use regulation that is submitted to the Director of the Department of Land Conservation and De-
18 velopment under ORS 197.610; or

19 (b) A decision of a county involving an application for the development of residential structures
20 within an urban growth boundary, where the county has tentatively approved the application and
21 extends these periods by no more than seven days in order to assure the sufficiency of its final or-
22 der.

23 (8) Except when an applicant requests an extension under subsection (5) of this section, if the
24 governing body of the county or its designee does not take final action on an application for a
25 permit, limited land use decision or zone change within 120 days or 150 days, as applicable, after
26 the application is deemed complete, the county shall refund to the applicant either the unexpended
27 portion of any application fees or deposits previously paid or 50 percent of the total amount of such
28 fees or deposits, whichever is greater. The applicant is not liable for additional governmental fees
29 incurred subsequent to the payment of such fees or deposits. However, the applicant is responsible
30 for the costs of providing sufficient additional information to address relevant issues identified in
31 the consideration of the application.

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

37 (10) The periods set forth in subsections (1) and (5) of this section and ORS 197A.470 may be
38 extended by up to 90 additional days, if the applicant and the county agree that a dispute concerning
39 the application will be mediated.

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

41 227.178. (1) Except as provided in subsections (3), (5) and (11) of this section, the governing body
42 of a city or its designee shall take final action on an application for a permit, limited land use de-
43 cision or zone change, including resolution of all appeals under ORS 227.180, within 120 days after
44 the application is deemed complete.

45 (2) If an application for a permit, limited land use decision or zone change is incomplete, the

1 governing body or its designee shall notify the applicant in writing of exactly what information is
2 missing within 30 days of receipt of the application and allow the applicant to submit the missing
3 information. The application shall be deemed complete for the purpose of subsection (1) of this sec-
4 tion or ORS 197A.470 upon receipt by the governing body or its designee of:

5 (a) All of the missing information;

6 (b) Some of the missing information and written notice from the applicant that no other infor-
7 mation will be provided; or

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

9 (3)(a) If the application was complete when first submitted or the applicant submits the re-
10 quested additional information within 180 days of the date the application was first submitted [*and*
11 *the city has a comprehensive plan and land use regulations acknowledged under ORS 197.251*], ap-
12 proval or denial of the application [*shall*] **must** be based:

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

15 (B) **For an application relating to development of housing, upon the request of the ap-
16 plicant, those standards and criteria that are operative at the time of the request.**

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

19 (A) **For the purposes of this section, any applicable timelines for completeness review and
20 final decisions restart as if a new application were submitted on the date of the request;**

21 (B) **For the purposes of this section and ORS 197A.470 the application is not deemed
22 complete until:**

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

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

27 (C) **A city may deny a request under paragraph (a)(B) of this subsection if:**

28 (i) **The city has issued a public notice of the application; or**

29 (ii) **A request under paragraph (a)(B) of this subsection was previously made; and**

30 (D) **The city may not require that the applicant:**

31 (i) **Pay a fee, except to cover additional costs incurred by the city to accommodate the
32 request;**

33 (ii) **Submit a new application or duplicative information, unless information resubmittal
34 is required because the request affects or changes information in other locations in the ap-
35 plication or additional narrative is required to understand the request in context; or**

36 (iii) **Repeat redundant processes or hearings that are inapplicable to the change in stan-
37 dards or criteria.**

38 [*(b) If the application is for industrial or traded sector development of a site identified under sec-
39 tion 12, chapter 800, Oregon Laws 2003, and proposes an amendment to the comprehensive plan, ap-
40 proval or denial of the application must be based upon the standards and criteria that were applicable
41 at the time the application was first submitted, provided the application complies with paragraph (a)
42 of this subsection.*]

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

- 1 (a) All of the missing information;
- 2 (b) Some of the missing information and written notice that no other information will be pro-
3 vided; or
- 4 (c) Written notice that none of the missing information will be provided.
- 5 (5) The 120-day period set in subsection (1) of this section or the 100-day period set in ORS
6 197A.470 may be extended for a specified period of time at the written request of the applicant. The
7 total of all extensions, except as provided in subsection (11) of this section for mediation, may not
8 exceed 245 days.
- 9 (6) The 120-day period set in subsection (1) of this section applies:
- 10 (a) Only to decisions wholly within the authority and control of the governing body of the city;
11 and
- 12 (b) Unless the parties have agreed to mediation as described in subsection (11) of this section
13 or ORS 197.319 (2)(b).
- 14 (7) Notwithstanding subsection (6) of this section, the 120-day period set in subsection (1) of this
15 section and the 100-day period set in ORS 197A.470 do not apply to:
- 16 (a) A decision of the city making a change to an acknowledged comprehensive plan or a land
17 use regulation that is submitted to the Director of the Department of Land Conservation and De-
18 velopment under ORS 197.610; or
- 19 (b) A decision of a city involving an application for the development of residential structures
20 within an urban growth boundary, where the city has tentatively approved the application and ex-
21 tends these periods by no more than seven days in order to assure the sufficiency of its final order.
- 22 (8) Except when an applicant requests an extension under subsection (5) of this section, if the
23 governing body of the city or its designee does not take final action on an application for a permit,
24 limited land use decision or zone change within 120 days after the application is deemed complete,
25 the city shall refund to the applicant, subject to the provisions of subsection (9) of this section, ei-
26 ther the unexpended portion of any application fees or deposits previously paid or 50 percent of the
27 total amount of such fees or deposits, whichever is greater. The applicant is not liable for additional
28 governmental fees incurred subsequent to the payment of such fees or deposits. However, the ap-
29 plicant is responsible for the costs of providing sufficient additional information to address relevant
30 issues identified in the consideration of the application.
- 31 (9)(a) To obtain a refund under subsection (8) of this section, the applicant may either:
- 32 (A) Submit a written request for payment, either by mail or in person, to the city or its designee;
33 or
- 34 (B) Include the amount claimed in a mandamus petition filed under ORS 227.179. The court shall
35 award an amount owed under this section in its final order on the petition.
- 36 (b) Within seven calendar days of receiving a request for a refund, the city or its designee shall
37 determine the amount of any refund owed. Payment, or notice that no payment is due, shall be made
38 to the applicant within 30 calendar days of receiving the request. Any amount due and not paid
39 within 30 calendar days of receipt of the request shall be subject to interest charges at the rate of
40 one percent per month, or a portion thereof.
- 41 (c) If payment due under paragraph (b) of this subsection is not paid within 120 days after the
42 city or its designee receives the refund request, the applicant may file an action for recovery of the
43 unpaid refund. In an action brought by a person under this paragraph, the court shall award to a
44 prevailing applicant, in addition to the relief provided in this section, reasonable attorney fees and
45 costs at trial and on appeal. If the city or its designee prevails, the court shall award reasonable

1 attorney fees and costs at trial 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 in subsection (1) of this
3 section or to waive the provisions of subsection (8) of this section or ORS 197A.470 or 227.179 as a
4 condition for taking any action on an application for a permit, limited land use decision or zone
5 change except when such applications are filed concurrently and considered jointly with a plan
6 amendment.

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

10
11 **REALTOR REJECTION OF DOCUMENTS**

12
13 **SECTION 9.** ORS 696.805 is amended to read:

14 696.805. (1) A real estate licensee who acts under a listing agreement with the seller acts as the
15 seller's agent only.

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

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

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

22 (c) To disclose material facts known by the seller's agent and not apparent or readily
23 ascertainable to a party.

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

26 (a) To exercise reasonable care and diligence;

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

29 (c) To be loyal to the seller by not taking action that is adverse or detrimental to the seller's
30 interest in a transaction;

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

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

34 (f) To maintain confidential information from or about the seller except under subpoena or court
35 order, even after termination of the agency relationship; and

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

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

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

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

1 time as the submission of an application for building permits for the middle housing.

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

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

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

8 **(7) Notwithstanding any other provision of ORS 92.010 to 92.192, within the same calendar**
9 **year as an original partition, a city or county may allow one of the resulting vacant parcels**
10 **to be further divided into not more than three parcels through a middle housing land divi-**
11 **sion, provided that:**

12 (a) **The original partition was not a middle housing land division; and**

13 (b) **The original parcel or parcels not divided will not be part of the resulting partition**
14 **plat for the middle housing land division.**

15 [(7)] (8) The tentative approval of a middle housing land division is void if and only if a final
16 subdivision or partition plat is not approved within three years of the tentative approval. Nothing
17 in this section or ORS 197.360 to 197.380 prohibits a city or county from requiring a final plat before
18 issuing building permits.

19 **SECTION 11.** ORS 92.325 is amended to read:

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

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

27 [(3) *Except as otherwise provided in paragraph (g) of this subsection,*] **except that:**

28 (1) 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 in unit ownership or
32 being developed as unit ownerships created under ORS chapter 100, to be used for residential pur-
33 poses and that qualify under ORS 92.337;

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

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

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

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

39 [(h) *Subdivided and series partitioned lands in a city or county which, at the time tentative ap-*
40 *proval of a subdivision plat and each partition map for those lands is given under ORS 92.040 or an*
41 *ordinance adopted under ORS 92.046, has a comprehensive plan and implementing ordinances that*
42 *have been acknowledged under ORS 197.251. The subdivider or series partitioner of such lands shall*
43 *comply with ORS 92.425, 92.427, 92.430, 92.433, 92.460 and 92.485 in the sale or leasing of such lands;*
44 *or*]

45 [(i)] (h) Mobile home or manufactured dwelling parks, as defined in ORS 446.003, located in

1 Oregon[.];

2 (i) **Planned community subdivision of manufactured dwellings or mobile homes created**
3 **under ORS 92.830 to 92.845;**

4 (j) **Lots or parcels created from an expedited land division under ORS 197.360; or**

5 (k) **Lots or parcels created from a middle housing land division under ORS 92.031.**

6 (2) **The subdivider or series partitioner of subdivided and series partitioned lands in a city**
7 **or county which, at the time tentative approval of a subdivision plat and each partition map**
8 **for those lands is given under ORS 92.040 or an ordinance adopted under ORS 92.046, has a**
9 **comprehensive plan and implementing ordinances that have been acknowledged under ORS**
10 **197.251 must only comply with ORS 92.425, 92.427, 92.430, 92.433, 92.460 and 92.485 in the sale**
11 **or leasing of such lands.**

12 **SECTION 12.** ORS 92.305 is amended to read:

13 92.305. As used in ORS 92.305 to 92.495:

14 (1) "Blanket encumbrance" means a trust deed or mortgage or any other lien or encumbrance,
15 mechanic's lien or otherwise, securing or evidencing the payment of money and affecting more than
16 one interest in subdivided or series partitioned land, or an agreement affecting more than one such
17 lot, parcel or interest by which the subdivider, series partitioner or developer holds such subdivision
18 or series partition under an option, contract to sell or trust agreement.

19 (2) "Commissioner" means the Real Estate Commissioner.

20 (3)(a) [*Except as otherwise provided in ORS 92.325 (2),*] "Developer" means a person who pur-
21 chases a lot, parcel or interest in a subdivision or series partition that does not have a single family
22 residential dwelling or duplex thereon to construct a single family residential dwelling or duplex on
23 the lot, parcel or interest and to resell the lot, parcel or interest and the dwelling or duplex for
24 eventual residential use purposes. "Developer" also includes a person who purchases a lot, parcel
25 or other interest in a subdivision or series partition that does not have a single family residential
26 dwelling or duplex thereon for resale to another person.

27 (b) "Developer" does not mean a "developer" as that term is defined in ORS 100.005.

28 (4)(a) "Interest" includes a lot or parcel, and a share, undivided interest or membership which
29 includes the right to occupy the land overnight, and lessee's interest in land for more than three
30 years or less than three years if the interest may be renewed under the terms of the lease for a total
31 period more than three years.

32 (b) "Interest" does not include any interest in a condominium as that term is defined in ORS
33 100.005 or any security interest under a land sales contract, trust deed or mortgage. "Interest" does
34 not include divisions of land created by lien foreclosures or foreclosures of recorded contracts for
35 the sale of real property.

36 (5) "Negotiate" means any activity preliminary to the execution of a binding agreement for the
37 sale or lease of land in a subdivision or series partition, including but not limited to advertising,
38 solicitation and promotion of the sale or lease of such land.

39 (6) "Lot," "parcel" and "partition" have the meaning given those terms in ORS 92.010.

40 (7) "Person" includes a natural person, a domestic or foreign corporation, a partnership, an as-
41 sociation, a joint stock company, a trust and any unincorporated organization. As used in [*ORS*
42 *92.305 to 92.495*] **this subsection**, the term "trust" includes a common law or business trust, but
43 does not include a private trust or a trust created or appointed under or by virtue of any last will
44 and testament, or by a court.

45 (8) "Real property sales contract" means an agreement wherein one party agrees to lease or to

1 convey title to real property to another party upon the satisfaction of specified conditions set forth
2 in the contract.

3 (9) "Sale" or "lease" includes every disposition or transfer of land in a subdivision or a series
4 partition, or an interest or estate therein, by a subdivider or series partitioner or a developer, or
5 their agents, including the offering of such property as a prize or gift when a monetary charge or
6 consideration for whatever purpose is required by the subdivider, series partitioner or developer or
7 their agents.

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

11 (11) "Series partitioner" means any person who causes land to be series partitioned into a series
12 partition, or who undertakes to develop a series partition, but does not include a public agency or
13 officer authorized by law to make partitions.

14 (12)(a) "Subdivided lands" and "subdivision" mean improved or unimproved land or lands di-
15 vided, or created into interests or sold under an agreement to be subsequently divided or created
16 into interests, for the purpose of sale or lease, whether immediate or future, into 11 or more undi-
17 vided interests or four or more other interests. "Subdivided lands" and "subdivision" include but are
18 not limited to a subdivision of land located within this state subject to an ordinance adopted under
19 ORS 92.044 and do not include series partitioned lands.

20 (b) "Subdivided lands" and "subdivision" do not mean property submitted to ORS 100.005 to
21 100.910 or property located outside this state which has been committed to the condominium form
22 of ownership in accordance with the laws of the jurisdiction within which the property is located.

23 (13) "Subdivider" means any person who causes land to be subdivided into a subdivision, or who
24 undertakes to develop a subdivision, but does not include a public agency or officer authorized by
25 law to make subdivisions.

26 **SECTION 13.** ORS 92.425 is amended to read:

27 92.425. (1) No lot, parcel or interest in a subdivision or series partition shall be sold by a sub-
28 divider, series partitioner or developer by means of a land sale contract unless a collection escrow
29 is established within this state with a person or firm authorized to receive escrows under the laws
30 of this state and all of the following are deposited in the escrow:

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

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

36 (c) A commitment to give a partial release for the lot, parcel or other interest being sold from
37 the terms and provisions of any blanket encumbrance as described in ORS 92.305 (1). Except as
38 otherwise provided in subsection (4) of this section, the commitment shall be in a form satisfactory
39 to the Real Estate Commissioner.

40 (d) A commitment to give a release of any other lien or encumbrance existing against such lot,
41 parcel or other interest being sold as revealed by such title report. Except as otherwise provided
42 in subsection (4) of this section, the commitment shall be in a form satisfactory to the commissioner.

43 (e) A warranty or bargain and sale deed in good and sufficient form conveying merchantable and
44 marketable title to the purchaser of such lot, parcel or other interest.

45 (2) The subdivider, series partitioner or developer shall submit written authorization allowing

1 the commissioner to inspect all escrow deposits established pursuant to subsection (1) of this sec-
2 tion.

3 (3) In lieu of the procedures provided in subsection (1) of this section, the subdivider, series
4 partitioner or developer shall conform to such alternative requirement or method which the com-
5 missioner may deem acceptable to carry into effect the intent and provisions of this section.

6 (4) The requirements of subsection (1)(c) and (d) of this section relating to use of a commitment
7 form acceptable to the commissioner and the provisions of subsection (2) of this section shall not
8 apply to subdivided or series partitioned lands described by ORS 92.325 [(3)(h)] (2).

9 **NOTE:** Sections 14 through 16 were deleted by amendment. Subsequent sections were not re-
10 numbered.

11
12 **MANUFACTURED STRUCTURE DOCUMENTATION**

13
14 **SECTION 17.** ORS 446.571 is amended to read:

15 446.571. (1)(a) Except as provided in paragraph (b) of this subsection, the owner of a manufac-
16 tured structure [*shall*] **may** apply to the Department of Consumer and Business Services for an
17 ownership document. Upon receipt of an application in appropriate form as described in ORS 446.736
18 (2), the Department of Consumer and Business Services shall issue an ownership document for a
19 manufactured structure. Except as provided in ORS 308.875, a manufactured structure for which an
20 ownership document is issued is subject to assessment and taxation as personal property under the
21 ad valorem tax laws of this state.

22 (b)(A) For a new manufactured structure, except as provided in subparagraph (C) of this para-
23 graph, the application must be filed on behalf of the owner by the manufactured structure dealer
24 as provided in ORS 446.736, by a lender or by an escrow agent as provided in ORS 446.591.

25 (B) For a used manufactured structure, except as provided in subparagraph (C) of this para-
26 graph, [*the owner must*] **only the owner may** file the application with the county assessor for the
27 county in which the manufactured structure is sited.

28 (C) If a dealer, lender or escrow agent refuses to file an application as required by subparagraph
29 (A) of this paragraph, or if a county assessor refuses to accept an application in appropriate form
30 as required by subparagraph (B) of this paragraph, the owner may file an application for an owner-
31 ship document directly with the department.

32 (2) The department shall maintain ownership records on manufactured structures for which the
33 department has issued ownership documents. The department shall maintain a record of ownership
34 documents or other documents evidencing ownership that have been canceled.

35 (3) The department shall note all security interests in the manufactured structure on the own-
36 ership document and in the records maintained by the department pursuant to subsection (2) of this
37 section. The recording of the security interests in the records maintained by the department is
38 constructive notice of the interests.

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

43 (5) If an interest in a manufactured structure other than an ownership interest is satisfied or
44 assigned, **unless the satisfaction or assignment is recorded in the deed records of the county,**
45 the holder of the interest shall notify the department. If the holder of the satisfied interest is in

1 possession of the ownership document for the structure, the holder shall return the ownership doc-
 2 ument to the department. The department shall adjust the ownership document and send the ad-
 3 justed ownership document and copy as described in subsection (4) of this section.

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

5 446.626. *[(1) The owner of a manufactured structure that qualifies under this subsection may apply*
 6 *to the county assessor to have the structure recorded in the deed records of the county. The application*
 7 *must be on a form approved by the Department of Consumer and Business Services. The application*
 8 *must include a description of the location of the real property on which the manufactured structure is*
 9 *or will be sited. If the structure is being sold by a manufactured structure dealer, the dealer may file*
 10 *the application on behalf of the owner within the time described in ORS 446.736 (7). A manufactured*
 11 *structure qualifies for recording in the deed records if the owner of the structure:]*

12 **(1) The owner of a manufactured structure may record in the deed records for the county**
 13 **in which the structure is sited:**

14 **(a) An application to have the manufactured structure recorded in the deed records on**
 15 **the form that was approved by the Department of Consumer and Business Services; or**

16 **(b) An affidavit declaring that the manufactured structure is affixed to the real property**
 17 **on which it is sited.**

18 **(2) The application or affidavit under subsection (1) of this section must include:**

19 **(a) The structure's owner, manufacturer, make, model, year built and square footages;**

20 **(b) A legal description of the real property to which the manufactured structure is af-**
 21 **fixed and the county assessor's property account number for the real property;**

22 **(c) Any unreleased security interest in the manufactured structure; and**

23 **(d) A declaration that the owner of the manufactured structure:**

24 *[(a)]* **(A) Also owns the land on which the manufactured structure is located;**

25 *[(b)]* **(B) Is the holder of a recorded leasehold estate of 20 years or more if the lease specifically**
 26 **permits the manufactured structure owner to record the structure under this section; or**

27 *[(c)]* **(C) Is a member of a manufactured dwelling park nonprofit cooperative formed under ORS**
 28 **62.800 to 62.815 that owns the land on which the manufactured structure is located.**

29 **(3) If the manufactured structure is being sold by a manufactured structure dealer, the**
 30 **dealer may file the application or affidavit under subsection (1) of this section on behalf of**
 31 **the owner within the time described in ORS 446.736 (7).**

32 *[(2)]* **(4)(a) In reviewing an application submitted under subsection (1)(a) of this section,**
 33 **if the assessor, as agent for the department, determines that the manufactured structure qualifies**
 34 **for recording in the deed records of the county, the assessor shall cause the structure to be recorded**
 35 **in the deed records. *[The deed records must contain any unreleased security interest in the manufac-***
 36 ***tured structure.]***

37 **(b) The affiant shall deliver a copy of an affidavit recorded under subsection (1)(b) of this**
 38 **section to the county assessor.**

39 **(5)(a) If the department has issued an ownership document for the manufactured structure, the**
 40 **owner *[must]* shall:**

41 **(A) Submit the ownership document to the assessor with the application described in subsection**
 42 ***[(1)]* (1)(a) of this section[.]; or**

43 **(B) Deliver the ownership document along with the recorded affidavit under subsection**
 44 **(1)(b) of this section to the department for cancellation.**

45 **(b) Upon recording the manufactured structure in the deed records, the assessor described in**

1 **paragraph (a)(A) of this subsection** shall send the ownership document to the department for
2 cancellation.

3 (c) The department shall cancel the ownership document and send confirmation of the cancel-
4 lation to the assessor and the owner.

5 [(3)] (6) The recording of a security interest in the deed records of the county under this section
6 satisfies the requirements for filing a financing statement for a fixture to real property under ORS
7 79.0502. The recording of a manufactured structure in the deed records of the county is independent
8 of the assessment and taxation of the structure as real property under ORS 308.875. The recording
9 of a manufactured structure in the deed records of the county makes the structure subject to the
10 same provisions of law applicable to any other building, housing or structure on the land. However,
11 the manufactured structure may not be sold separately from the land or leasehold estate unless the
12 owner complies with subsection [(4)] (7) of this section.

13 [(4)] (7) The owner of a manufactured structure that is recorded in the deed records of the
14 county may apply to have the structure removed from the deed records and an ownership document
15 issued for the structure. Unless the manufactured structure is subject to ORS 446.631, the owner
16 must apply to the county assessor, as agent for the department, for an ownership document as pro-
17 vided in ORS 446.571. Upon approval of the application, the assessor shall terminate the recording
18 of the manufactured structure in the deed records.

19 [(5)] (8) If a manufactured structure described in subsection [(1)(b) or (c)] (2)(d)(B) or (C) of this
20 section is recorded in the deed records, the owner of the structure has a real property interest in
21 the manufactured structure for purposes of:

22 (a) Recordation of documents pursuant to ORS 93.600 to 93.802, 93.804, 93.806 and 93.808;

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

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

25 (d) Real property tax collection pursuant to ORS chapters 311 and 312. The **manufactured**
26 structure owner is considered the owner of the real property for purposes of assessing the structure
27 under ORS 308.875.

28 **SECTION 19.** ORS 308.875 is amended to read:

29 308.875. (1) If a manufactured structure and the land upon which the manufactured structure is
30 situated are owned by the same person, **or the owner of the structure has recorded an affidavit**
31 **under ORS 446.626 (1)(b)**, the assessor shall assess the manufactured structure as real property.

32 (2) [*If a manufactured structure is owned separately and apart from the land upon which it is lo-*
33 *cated,*] The assessor shall assess and tax [*the*] **any** manufactured structure **not described in sub-**
34 **section (1) of this section** as personal property.

35 (3) A change in the property classification of a manufactured structure for ad valorem tax pur-
36 poses does not change the property classification of the structure with respect to any transactions
37 between the owner and security interest holders or other persons.

38 **SECTION 20.** ORS 446.736 is amended to read:

39 446.736. (1) Except as provided in subsection (7) of this section, a manufactured structure dealer
40 who transfers an interest in a manufactured structure shall:

41 (a) Submit to the Department of Consumer and Business Services an application for an owner-
42 ship document on behalf of the purchaser; or

43 (b) If the purchase is being financed, submit sufficient information to a lender to allow the
44 lender to make an application to the department for an ownership document.

45 (2) An application under subsection (1) of this section must be on a form approved by the de-

1 partment and include:

2 (a) The year, manufacturer's name, model if available and identification number for the manu-
3 factured structure.

4 (b) Any existing ownership document for the **manufactured** structure or, if none, the
5 manufacturer's certificate of origin or other document evidencing ownership of the manufactured
6 structure.

7 (c) The legal description or street address for the proposed situs for the manufactured structure.

8 (d) The identity of the owner of record for the location where the manufactured structure is
9 being sited or, if the structure is being sited in a facility as defined in ORS 90.100, the name of the
10 facility.

11 (e) The name and mailing address of each person acquiring an ownership interest in the manu-
12 factured structure.

13 (f) The name and mailing address of each person acquiring a security interest in the manufac-
14 tured structure.

15 (g) Any other information required by the department by rule for processing an application.

16 (3) If a manufactured structure dealer is unable to comply with subsection (1) of this section,
17 within 25 business days of the transfer the dealer shall provide a notice of delay to the security
18 interest holder next named, if any, and the purchaser. The notice must contain:

19 (a) The reason for the delay;

20 (b) The anticipated extent of the delay; and

21 (c) A statement of the rights and remedies available to the purchaser if the delay becomes un-
22 reasonably extended.

23 (4) A manufactured structure dealer that fails to comply with this section is subject to revoca-
24 tion or suspension of the dealer's license or being placed on probation by the Department of Con-
25 sumer and Business Services pursuant to ORS 446.741. A dealer that fails to comply with subsection
26 (1) of this section within 90 days is subject to criminal penalties under ORS 446.746 (1)(h).

27 (5) Notwithstanding subsections (1) and (4) of this section, if a purchaser is not in compliance
28 with the payment terms of a purchase agreement on the 20th calendar day after the transfer, the
29 dealer is not required to perform under subsection (1) of this section until 25 calendar days after the
30 purchaser is in compliance with the payment terms of the purchase agreement. This subsection does
31 not excuse the duty of the dealer under subsection (3) of this section.

32 (6) This section does not apply to a transfer of interest in a manufactured structure that is
33 subject to an escrow transaction.

34 (7) This section does not apply to a manufactured structure for which an application **or affi-**
35 **davit** is filed under ORS 446.626 within 25 business days of the transfer.

36 **NOTE:** Sections 21 through 24 were deleted by amendment. Subsequent sections were not re-
37 numbered.

38
39 **SINGLE-UNIT HOUSING PROPERTY TAX EXCEPTION APPROVAL**

40
41 **SECTION 25.** ORS 307.674 is amended to read:

42 307.674. (1) The city shall approve or deny an application filed under ORS 307.667 within 180
43 days after receipt of the application. An application not acted upon within 180 days shall be deemed
44 approved.

45 *[(2) Final action upon an application by the city shall be in the form of an ordinance or resolution*

1 *that shall contain the owner's name and address, a description of the structure that is the subject of*
 2 *the application that includes either the legal description of the property or the assessor's property ac-*
 3 *count number and the specific conditions upon which the approval of the application is based.]*

4 [(3)] **(2)(a)** Following approval and on or before the deadline set forth in ORS 307.512, the city
 5 shall *[file with the county assessor and]* send **a notice of approval** to the owner *[at the last-known*
 6 *address of the owner a copy of the ordinance or resolution approving the application].* The *[copy shall*
 7 *contain or be accompanied by a notice explaining]* **notice shall explain** the grounds for possible ter-
 8 mination of the exemption prior to the end of the exemption period or thereafter, and the effects of
 9 termination.

10 **(b)** In addition, **on or before the deadline set forth in ORS 307.512**, the city shall file with
 11 the county assessor a document listing *[the same information otherwise required to be in an ordinance*
 12 *or resolution under subsection (2) of this section, as to each application deemed approved under sub-*
 13 *section (1) of this section]* **the owner's name and address, a description of the structure that is**
 14 **the subject of the application that includes either the legal description of the property or the**
 15 **assessor's property account number and the specific conditions upon which the approval of**
 16 **the application is based.**

17 [(4)] **(3)** If the application is denied, the city shall state in writing the reasons for denial and
 18 send notice of denial to the applicant at the last-known address of the applicant within 10 days after
 19 the denial. The notice shall inform the applicant of the right to appeal under ORS 307.687.

20 [(5)] **(4)(a)** The city, after consultation with the county assessor, shall establish an application
 21 fee in an amount sufficient to cover the cost to be incurred by the city and the assessor in admin-
 22 istering ORS 307.651 to 307.687.

23 **(b)** The application fee shall be paid to the city at the time the application for exemption is filed.

24 **(c)** If the application is approved, the city shall pay the application fee to the county assessor
 25 for deposit in the county general fund, after first deducting that portion of the fee attributable to
 26 its own administrative costs in processing the application.

27 **(d)** If the application is denied, the city shall retain that portion of the application fee attrib-
 28 utable to its own administrative costs and shall refund the balance to the applicant.

29 **SECTION 26. The amendments to ORS 307.674 by section 25 of this 2024 Act apply to ap-**
 30 **lications approved on or after the effective date of this 2024 Act.**

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

32 307.681. (1)**(a)** Except as provided in ORS 307.684, if, after an application has been approved
 33 under ORS 307.674, the city finds that any provision of ORS 307.651 to 307.687 is not being complied
 34 with, or any provision required by the city pursuant to ORS 307.651 to 307.687 is not being complied
 35 with, the city shall give notice to the owner, mailed to the owner's last-known address, of the pro-
 36 posed termination of the exemption.

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

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

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

1 acknowledged comprehensive plan or land use regulation. In making its determination under this
2 subsection, the commission shall determine whether there is evidence in the record to support the
3 decisions made. The commission shall not judge the issue solely upon adequacy of the findings in
4 support of the decisions.

5 (7) A local government has failed to comply with a commission order entered under ORS 197.644.

6 (8) A special district has engaged in a pattern or practice of decision-making that violates an
7 acknowledged comprehensive plan or cooperative agreement adopted pursuant to ORS 197.020.

8 (9) A special district is not making satisfactory progress toward performance of its obligations
9 under ORS chapters 195, 197 and 197A.

10 (10) A local government's approval standards, special conditions on approval of specific devel-
11 opment proposals or procedures for approval do not comply with ORS 197A.400 (1) or (3).

12 (11) A local government is not making satisfactory progress toward meeting its obligations un-
13 der ORS 195.065.

14 (12) A local government within the jurisdiction of a metropolitan service district has failed to
15 make changes to the comprehensive plan or land use regulations to comply with the regional
16 framework plan of the district or has engaged in a pattern or practice of decision-making that vio-
17 lates a requirement of the regional framework plan.

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

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

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

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

25 (d) Has materially breached a term of a housing acceleration agreement under ORS 197A.130 (8),
26 including a failure to meet the timeline for performance 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 [197A.015] **197A.018**.

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

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

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

33 (2) A local government shall approve an application for a permit, authorization or other ap-
34 proval necessary for the subdivision or partitioning of, or construction on, any land for needed
35 housing that is consistent with the comprehensive plan and applicable land use regulations.

36 (3) If an application is inconsistent with the comprehensive plan and applicable land use regu-
37 lations, the local government, prior to making a final decision on the application, shall allow the
38 applicant to offer an amendment or to propose conditions of approval that would make the applica-
39 tion consistent with the plan and applicable regulations. If an applicant seeks to amend the appli-
40 cation or propose conditions of approval:

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

44 (b) A city may extend the time limitation under ORS 227.178 for final action by the governing
45 body of a city on an application for needed housing and may set forth a new time limitation for final

1 action on the consideration of future amendments or proposals.

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

5 **SECTION 32. ORS 197.186, 197.200, 197.475, 197.478, 197.480, 197.485, 197.488, 197.490,**
6 **197.746, 197.748, 197.752, 197.754 and 197.756 are added to and made a part of ORS chapter**
7 **197A.**

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

9 197.480. (1) Each city and county governing body shall provide for mobile home or manufactured
10 dwelling parks as an allowed use:

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

13 (b) In areas planned and zoned for a residential density of six to 12 units per acre sufficient to
14 accommodate the need established pursuant to subsections (2) and (3) of this section.

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

17 (a) Population projections;

18 (b) Household income levels;

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

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

22 (3) The inventory required by subsection (2)(d) and subsection (4) of this section shall establish
23 the need for areas to be planned and zoned to accommodate the potential displacement of the in-
24 ventoried mobile home or manufactured dwelling parks.

25 (4) Notwithstanding the provisions of subsection (1) of this section, a city or county within
26 Metro, shall inventory the mobile home or manufactured dwelling parks sited in areas planned and
27 zoned or generally used for commercial, industrial or high density residential development.

28 (5)(a) A city or county may establish clear and objective criteria and standards for the place-
29 ment and design of mobile home or manufactured dwelling parks.

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

33 (c) No criteria or standards established under paragraph (a) of this subsection may be adopted
34 which would preclude the development of mobile home or manufactured dwelling parks within the
35 intent of ORS 197.475 to [197.493] **197.490.**

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

37 197A.348. (1) As used in ORS 197A.350 and this section, “needed housing” means all housing on
38 land zoned for residential use or mixed residential and commercial use that is determined to meet
39 the need shown for housing within an urban growth boundary at price ranges and rent levels that
40 are affordable to households within the county with a variety of incomes, including but not limited
41 to households with low incomes, very low incomes and extremely low incomes, as those terms are
42 defined by the United States Department of Housing and Urban Development under 42 U.S.C. 1437a.
43 “Needed housing” includes the following housing types:

44 (a) Attached and detached single-family housing, middle housing types as described in ORS
45 197A.420 and multiple family housing for both owner and renter occupancy;

1 (b) Government assisted housing;

2 (c) Mobile home or manufactured dwelling parks as provided in ORS 197.475 to [197.493]

3 **197.490;**

4 (d) Manufactured homes on individual lots planned and zoned for single-family residential use
5 that are in addition to lots within designated manufactured dwelling subdivisions;

6 (e) Agriculture workforce housing; and

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

8 (2) For the purpose of estimating housing needs, as described in ORS 197A.350 (3)(b), Metro shall
9 adopt findings and perform an analysis that estimates each of the following factors:

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

11 (b) Current housing underproduction;

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

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

15 (3) Metro shall make the estimate described in subsection (2) of this section using a shorter time
16 period than since the last review under ORS 197A.350 (2)(a)(B) if Metro finds that the shorter time
17 period will provide more accurate and reliable data related to housing need. The shorter time period
18 may not be less than three years.

19 (4) Metro shall use data from a wider geographic area or use a time period longer than the time
20 period described in subsection (2) of this section if the analysis of a wider geographic area or the
21 use of a longer time period will provide more accurate, complete and reliable data relating to trends
22 affecting housing need than an analysis performed pursuant to subsection (2) of this section. Metro
23 must clearly describe the geographic area, time frame and source of data used in an estimate per-
24 formed under this subsection.

25 (5) Subsection (1)(a) and (d) of this section does not apply to a city with a population of less than
26 2,500.

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

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

30 197.492. As used in this section and ORS 197.493:

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

33 [(1)] (2) “Recreational vehicle” has the meaning given that term in ORS 174.101.

34 [(2)] (3) “Recreational vehicle park”:

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

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

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

39 (b) Does not mean:

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

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

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

43 197A.018. (1) As used in ORS chapter 197A, and except as provided in subsection (2) of this
44 section:

45 (a) “Needed housing” means housing by affordability level, as described in ORS 184.453 (4), type,

1 characteristics and location that is necessary to accommodate the city's allocated housing need over
2 the 20-year planning period in effect when the city's housing capacity is determined.

3 (b) "Needed housing" includes the following housing types:

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

6 (B) Government assisted housing;

7 (C) Mobile home or manufactured dwelling parks as provided in ORS 197.475 to [197.493]
8 **197.490**;

9 (D) Manufactured homes on individual lots planned and zoned for single-family residential use
10 that are in addition to lots within designated manufactured dwelling subdivisions;

11 (E) Housing for agricultural workers;

12 (F) Housing for individuals with a variety of disabilities, related to mobility or
13 communications, that require accessibility features;

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

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

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

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

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

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

20 (3) At the time that a city is required to inventory its buildable lands under ORS 197A.270 (2),
21 197A.280 (2) or 197A.335 (1), the city shall determine its needed housing under this section.

22 (4) In determining needed housing the city must demonstrate that the projected housing types,
23 characteristics and locations are:

24 (a) Attainable for the allocated housing need by income, including consideration of publicly
25 supported housing;

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

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

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

29 197A.210. (1) At the time that a city is required to inventory its buildable lands under ORS
30 197A.270 (2), 197A.280 (2) or 197A.335 (1), the city shall inventory its development-ready lands.

31 (2) If the total housing production target is greater than the housing capacity of development-
32 ready lands, the local government shall take any actions in ORS 197A.100 (3) that demonstrably
33 prepare lands for development or redevelopment or increase the housing capacity of existing
34 development-ready lands.

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

36 197A.025. (1) In adopting rules under ORS chapter 197A and statewide planning goals relating
37 to housing or urbanization, or administering the rules or statutes, the Land Conservation and De-
38 velopment Commission and Department of Land Conservation and Development shall be guided by
39 the following principles:

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

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

43 (c) The development and implementation of the housing production strategy should be the focal
44 point by which the department collaborates with local governments to address and eliminate local
45 barriers to housing production.

1 (d) Expertise, technical assistance, model ordinances and other tools and resources to address
2 housing production should be provided to local governments, using cooperative planning tools em-
3 bodied in ORS 197A.103 and 197A.130, but not to the exclusion of the expedient use of enforcement
4 authority, including compliance orders under ORS 197.319 to 197.335.

5 (e) Housing production should support fair and equitable housing outcomes, environmental jus-
6 tice, climate resilience and access to opportunity.

7 (f) Housing production should not be undermined by litigation, regulatory uncertainty or repet-
8 itive or unnecessary procedures.

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

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

15 (3) In adopting rules implementing ORS chapter 197A and statewide land use goals relating to
16 housing and urbanization, the commission may approve a range of methodologies, policy options or
17 assumptions that a local government 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 197A.215, 197A.270 (5)(a),
22 197A.285, **197A.300** to 197A.325, 197A.350 (6)(a) and 197A.362; or

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

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

26 197A.215. (1) A local government may make a land use decision to approve an application to
27 remove a lot or parcel from within an urban growth boundary if:

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

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

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

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

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

33 (e) The lot or parcel is not included in an area identified for urban services under ORS 197.754.

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

36 (a) The projected costs and other consequences of extending urban services to the affected lot
37 or parcel;

38 (b) The potential value in the investment of providing urban services to the affected lot or par-
39 cel;

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

42 (d) The projected costs and other consequences of providing urban services to other areas
43 brought in under an expanded urban growth boundary.

44 (3)(a) Land that is removed from within an urban growth boundary pursuant to an application
45 approved under this section shall be removed from any inventory of buildable lands maintained by

1 the local government.

2 (b) A local government that approves an application under this section shall either expand the
3 urban growth boundary to compensate for any resulting reduction in available buildable lands or
4 increase the development capacity of the remaining supply of buildable lands consistent with ORS
5 197A.270, 197A.280, 197A.285, **197A.300** to 197A.325 or 197A.350 (6).

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

7 197A.300. As used in ORS [197A.285] **197A.300** to 197A.325, “serviceable” means, with respect
8 to land, that:

9 (1) Adequate sewer, water and transportation capacity for planned urban development is avail-
10 able or can be either provided or made subject to committed financing; or

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

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

14 197A.302. The purpose of ORS [197A.285] **197A.300** to 197A.325 is to direct the Land Conserva-
15 tion and Development Commission to develop and adopt simplified methods for a city that is outside
16 Metro to evaluate or amend the urban growth boundary of the city. The commission should design
17 the methods to:

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

20 (2) Encourage, to the extent practicable given market conditions, the development of urban
21 areas in which individuals desire to live and work and that are increasingly efficient in terms of
22 land uses and in terms of public facilities and services;

23 (3) Encourage the conservation of important farm and forest lands, particularly lands that are
24 needed to sustain agricultural and forest products industries;

25 (4) Encourage cities to increase the development capacity within the urban growth boundaries
26 of the cities;

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

29 (6) Assist residents in understanding the major local government decisions that are likely to
30 determine the form of a city’s growth.

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

32 197A.325. (1) Notwithstanding ORS 197.626, when a city evaluates or amends the urban growth
33 boundary of the city pursuant to ORS 197A.310 or 197A.312, the Land Use Board of Appeals has
34 jurisdiction for review of a final decision of the city.

35 (2) The board shall review the final decision of the city under ORS 197A.285 **and 197A.300** to
36 197A.325 as provided in ORS 197.805 to 197.855, except that:

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

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

41 (B) The board’s review of the number may determine only that the city has used a number that
42 is allowed by the rule.

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

45 (3) Notwithstanding ORS 197.628 and 197.629, when a city evaluates or amends the urban growth

1 boundary of the city pursuant to ORS 197A.310 or 197A.312, the city is not required to commence
 2 or complete periodic review. The commission shall, by rule, specify alternate means to ensure that
 3 the comprehensive plan and land use regulations of the city comply with the statewide land use
 4 planning goals and are updated over time to reflect changing conditions and needs.

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

6 197A.335. (1) At least once every six years, by a date scheduled by the Land Conservation and
 7 Development Commission, a city that is within Metro and has a population of 10,000 or greater
 8 shall[.:]

9 [(a)] **determine its needed housing under ORS 197A.018 and** inventory the supply of buildable
 10 lands within the city and determine the housing capacity of the buildable lands.[; and]

11 [(b) *Conduct an analysis of the city's existing and projected needed housing under statewide plan-*
 12 *ning goals and rules related to housing by type, mix, affordability and density range to determine the*
 13 *number of units and amount of land needed for each needed housing type under ORS 197A.018 for the*
 14 *next 20 years.*]

15 (2) The housing capacity determination and the needed housing analysis conducted under this
 16 section must be adopted as part of the city's comprehensive plan no later than one year after com-
 17 pletion of the needed housing analysis.

18 (3) If the housing capacity and needed housing analysis conducted under this section demon-
 19 strates a housing need, the city shall amend its comprehensive plan or land use regulations or take
 20 actions to update or implement its housing production strategy to include new measures that
 21 demonstrably increase the likelihood that development of needed housing will occur for the type,
 22 mix, affordability and densities sufficient to accommodate needed housing for the next 20 years.

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

24 197A.362. (1) Metro shall complete the inventory, determination and analysis required under
 25 ORS 197A.350 (3) not later than six years after completion of the previous inventory, determination
 26 and analysis.

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

30 (b) Metro shall take all final action under ORS 197A.350 (6)(a) necessary to accommodate a
 31 20-year buildable land supply determined under ORS 197A.350 (3) within two years of completing the
 32 analysis.

33 (c) [*The metropolitan service district*] **Metro** shall take action under ORS 197A.350 (6)(b), within
 34 one year after the analysis required under ORS 197A.350 (3)(b) is completed, to provide sufficient
 35 buildable land within the urban growth boundary to accommodate the estimated housing needs for
 36 20 years from the time the actions are completed.

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

39 (3) The commission may grant an extension to the time limits of subsection (2) of this section
 40 if the Director of the Department of Land Conservation and Development determines that [*the met-*
 41 *ropolitan service district*] **Metro** has provided good cause for failing to meet the time limits.

42 (4)(a) Metro shall establish a process to expand the urban growth boundary to accommodate a
 43 need for land for a public school that cannot reasonably be accommodated within the existing urban
 44 growth boundary. Metro shall design the process to:

45 (A) Accommodate a need that must be accommodated between periodic analyses of urban growth

1 boundary capacity required by subsection (1) of this section; and

2 (B) Provide for a final decision on a proposal to expand the urban growth boundary within four
3 months after submission of a complete application by a large school district as defined in ORS
4 195.110.

5 (b) At the request of a large school district, Metro shall assist the district to identify school
6 sites required by the school facility planning process described in ORS 195.110. A need for a public
7 school is a specific type of identified land need under ORS 197A.355 (3).

8 (5) At least three years after completing its most recent demonstration of sufficient buildable
9 lands under ORS 197A.350, Metro may, on a single occasion, revise the determination and analysis
10 required as part of the demonstration for the purpose of considering an amendment to *[the]* Metro's
11 urban growth boundary, provided:

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

14 (b) The city or cities proposing the development have provided evidence to Metro that the pro-
15 posed development would provide additional needed housing to the needed housing included in the
16 most recent determination and analysis;

17 (c) The location chosen for the proposed development is adjacent to the city proposing the de-
18 velopment; and

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

21 (6)(a) If Metro, after revising its most recent determination and analysis pursuant to subsection
22 (5) of this section, concludes that an expansion of its urban growth boundary is warranted, Metro
23 may take action to expand its urban growth boundary in one or more locations to accommodate the
24 proposed development, provided the urban growth boundary expansion does not exceed a total of
25 1,000 acres.

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

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

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

31
32 **CAPTIONS**

33
34 **SECTION 45. The unit captions used in this 2024 Act are provided only for the conven-**
35 **ience of the reader and do not become part of the statutory law of this state or express any**
36 **legislative intent in the enactment of this 2024 Act.**

37
38 **EFFECTIVE DATE**

39
40 **SECTION 46. This 2024 Act takes effect on the 91st day after the date on which the 2024**
41 **regular session of the Eighty-second Legislative Assembly adjourns sine die.**