

House Bill 4063

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 **as introduced**. 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, lets home builders use updated local rules, lets real estate agents accept love letters, amends middle housing land divisions and mobile home registrations, lets sick or injured tenants pay rent late and lets city staff grant or end tax exemption for single-unit housing. (Flesch Readability Score: 63.8).

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

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

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

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

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

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

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

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

A BILL FOR AN ACT

Relating to housing; creating new provisions; amending ORS 90.100, 90.260, 90.394, 90.555, 90.634, 92.010, 92.031, 92.060, 92.305, 92.325, 92.425, 184.451, 184.453, 184.455, 197.320, 197.480, 197.492, 197.522, 197A.015, 197A.018, 197A.025, 197A.210, 197A.215, 197A.300, 197A.302, 197A.325, 197A.335, 197A.348, 197A.362, 197A.420, 215.427, 227.178, 307.674, 307.681, 446.571, 446.626 and 696.805; and prescribing an effective date.

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

NEEDED HOUSING PLANNING IN UNINCORPORATED METRO

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 **(c) Within the boundaries of a sanitary district or sanitary authority formed under ORS
26 chapter 450;**

27 **(d) Within the boundaries of water system subject to regulation as described in ORS
28 448.119; and**

29 **(e) Not zoned with an interim zoning designation to maintain the land’s potential for fu-
30 ture urbanization.**

31 [(9)] (10) “Periodic review” means the process and procedures as set forth in ORS 197.628 to
32 197.651.

33 [(10)] (11) “Prefabricated structure” means a prefabricated structure, as defined in ORS 455.010,
34 that is relocatable, more than eight and one-half feet wide and designed for use as a single-family
35 dwelling.

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

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

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

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

45 **(b) In a housing production strategy, housing coordination strategy or corrective action**

1 **plan under ORS 197A.100, 197A.365 or 197A.372; or**

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

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

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

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

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

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

17 184.451. (1) There is established within the Oregon Department of Administrative Services the
 18 Oregon Housing Needs Analysis. The purposes of the Oregon Housing Needs Analysis are to further
 19 the:

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

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

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

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

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

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

27 (3) Actions taken by the department under ORS 184.451 to 184.455 are not subject to ORS
 28 197.180 and are not land use decisions.

29 (4) The Department of Land Conservation and Development and the Housing and Community
 30 Services Department:

31 (a) Shall assist the Oregon Department of Administrative Services with its duties under ORS
 32 184.451 to 184.455.

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

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

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

41 184.453. (1) On an annual basis the Oregon Department of Administrative Services shall conduct
 42 a statewide housing analysis. The analysis must be conducted statewide and segmented into regions
 43 as determined by the department. The analysis shall estimate factors including, but not limited to:

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

45 (b) Current housing underproduction;

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

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

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

7 (3) In making an allocation under subsection (2) of this section, the department shall consider:

8 (a) The forecasted population growth under ORS 195.033 or 195.036;

9 (b) The forecasted regional job growth;

10 (c) An equitable statewide distribution of housing for income levels described in subsection (4)
11 of this section;

12 (d) The estimates made under subsection (1) of this section;

13 (e) For cities within Metro, the needed housing projected under ORS 197A.348 (2); and

14 (f) The purpose of the Oregon Housing Needs Analysis under ORS 184.451 (1).

15 (4) In estimating and allocating housing need under this section, the department shall segment
16 need by the following income levels:

17 (a) Housing affordable to households making less than 30 percent of median family income;

18 (b) Housing affordable to households making 30 percent or more and less than 60 percent of
19 median family income;

20 (c) Housing affordable to households making 60 percent or more and less than 80 percent of
21 median family income;

22 (d) Housing affordable to households making 80 percent or more and less than 120 percent of
23 median family income; and

24 (e) Housing affordable to households making 120 percent or more of median family income.

25
26 **OPTING IN TO AMENDED HOUSING**
27 **DEVELOPMENT REGULATIONS**
28

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

30 215.427. (1) Except as provided in subsections (3), (5) and (10) of this section, for land within an
31 urban growth boundary and applications for mineral aggregate extraction, the governing body of a
32 county or its designee shall take final action on an application for a permit, limited land use deci-
33 sion or zone change, including resolution of all appeals under ORS 215.422, within 120 days after the
34 application is deemed complete. The governing body of a county or its designee shall take final
35 action on all other applications for a permit, limited land use decision or zone change, including
36 resolution of all appeals under ORS 215.422, within 150 days after the application is deemed com-
37 plete, except as provided in subsections (3), (5) and (10) of this section.

38 (2) If an application for a permit, limited land use decision or zone change is incomplete, the
39 governing body or its designee shall notify the applicant in writing of exactly what information is
40 missing within 30 days of receipt of the application and allow the applicant to submit the missing
41 information. The application shall be deemed complete for the purpose of subsection (1) of this sec-
42 tion and ORS 197A.470 upon receipt by the governing body or its designee of:

43 (a) All of the missing information;

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

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

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

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

8 (B) **For an application to establish a residential use, upon the request of the applicant,**
 9 **those standards and criteria that became operative during the pendency of the application.**

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

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

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

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

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

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

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

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

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

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

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

33 (a) All of the missing information;

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

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

37 (5) The period set in subsection (1) of this section or the 100-day period set in ORS 197A.470
 38 may be extended for a specified period of time at the written request of the applicant. The total of
 39 all extensions, except as provided in subsection (10) of this section for mediation, may not exceed
 40 215 days.

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

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

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

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

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

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

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

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

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

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

28 227.178. (1) Except as provided in subsections (3), (5) and (11) of this section, the governing body
 29 of a city or its designee shall take final action on an application for a permit, limited land use de-
 30 cision or zone change, including resolution of all appeals under ORS 227.180, within 120 days after
 31 the application is deemed complete.

32 (2) If an application for a permit, limited land use decision or zone change is incomplete, the
 33 governing body or its designee shall notify the applicant in writing of exactly what information is
 34 missing within 30 days of receipt of the application and allow the applicant to submit the missing
 35 information. The application shall be deemed complete for the purpose of subsection (1) of this sec-
 36 tion or ORS 197A.470 upon receipt by the governing body or its designee of:

37 (a) All of the missing information;

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

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

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

45 (A) Upon the standards and criteria that were applicable at the time the application was first

1 submitted[.]; or

2 **(B) For an application to establish a residential use, upon the request of the applicant,**
 3 **those standards and criteria that became operative during the pendency of the application.**

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

6 **(A) For the purposes of this section, the date of the application’s submission or receipt**
 7 **is the date of the request;**

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

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

12 **(ii) The applicant makes a submission under subsection (2) of this section in response to**
 13 **a city’s request; and**

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

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

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

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

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

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

27 (a) All of the missing information;

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

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

31 (5) The 120-day period set in subsection (1) of this section or the 100-day period set in ORS
 32 197A.470 may be extended for a specified period of time at the written request of the applicant. The
 33 total of all extensions, except as provided in subsection (11) of this section for mediation, may not
 34 exceed 245 days.

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

36 (a) Only to decisions wholly within the authority and control of the governing body of the city;
 37 and

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

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

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

45 (b) A decision of a city involving an application for the development of residential structures

1 within an urban growth boundary, where the city has tentatively approved the application and ex-
 2 tends these periods by no more than seven days in order to assure the sufficiency of its final order.

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

12 (9)(a) To obtain a refund under subsection (8) of this section, the applicant may either:

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

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

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

22 (c) If payment due under paragraph (b) of this subsection is not paid within 120 days after the
 23 city or its designee receives the refund request, the applicant may file an action for recovery of the
 24 unpaid refund. In an action brought by a person under this paragraph, the court shall award to a
 25 prevailing applicant, in addition to the relief provided in this section, reasonable attorney fees and
 26 costs at trial and on appeal. If the city or its designee prevails, the court shall award reasonable
 27 attorney fees and costs at trial and on appeal if the court finds the petition to be frivolous.

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

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

36
 37 **REALTOR REJECTION OF DOCUMENTS**

38
 39 **SECTION 9.** ORS 696.805 is amended to read:

40 696.805. (1) A real estate licensee who acts under a listing agreement with the seller acts as the
 41 seller's agent only.

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

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

45 (b) To present all written offers, written notices and other written communications to and from

1 the parties in a timely manner without regard to whether the property is subject to a contract for
 2 sale or the buyer is already a party to a contract to purchase; and

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

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

7 (a) To exercise reasonable care and diligence;

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

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

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

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

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

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

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

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

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

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

31
 32
 33 **MIDDLE HOUSING PARTITIONS**

34
 35 **SECTION 10.** ORS 92.031 is amended to read:

36 92.031. (1) As used in this section, "middle housing land division" means a partition or subdivi-
 37 sion of a **single** lot or parcel on which *[the development of]* **will be developed any** middle housing
 38 **type that** is allowed under ORS 197A.420 (2) or (3).

39 (2) A city or county shall approve a tentative plan for a middle housing land division if the ap-
 40 plication includes:

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

44 (b) Separate utilities for each dwelling unit;

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

- 1 (A) Locating, accessing, replacing and servicing all utilities;
- 2 (B) Pedestrian access from each dwelling unit to a private or public road;
- 3 (C) Any common use areas or shared building elements;
- 4 (D) Any dedicated driveways or parking; and
- 5 (E) Any dedicated common area;
- 6 (d) Exactly one dwelling unit on each resulting lot or parcel, except for lots, parcels or tracts
- 7 used as common areas; and
- 8 (e) Evidence demonstrating how buildings or structures on a resulting lot or parcel will comply
- 9 with applicable building codes provisions relating to new property lines and, notwithstanding the
- 10 creation of new lots or parcels, how structures or buildings located on the newly created lots or
- 11 parcels will comply with the Oregon residential specialty code.
- 12 (3) A city or county may add conditions to the approval of a tentative plan for a middle housing
- 13 land division to:
 - 14 (a) Prohibit the further division of the resulting lots or parcels.
 - 15 (b) Require that a notation appear on the final plat indicating that the approval was given under
 - 16 this section.
 - 17 (4) In reviewing an application for a middle housing land division, a city or county:
 - 18 (a) Shall apply the procedures under ORS 197.360 to 197.380.
 - 19 (b) May require street frontage improvements where a resulting lot or parcel abuts the street
 - 20 consistent with land use regulations implementing ORS 197A.420.
 - 21 (c) May not subject an application to approval criteria except as provided in this section, in-
 - 22 cluding that a lot or parcel require driveways, vehicle access, parking or minimum or maximum
 - 23 street frontage.
 - 24 (d) May not subject the application to procedures, ordinances or regulations adopted under ORS
 - 25 92.044 or 92.046 that are inconsistent with this section or ORS 197.360 to 197.380.
 - 26 (e) May allow the submission of an application for a middle housing land division at the same
 - 27 time as the submission of an application for building permits for the middle housing.
 - 28 (f) May require the dedication of right of way if the original parcel did not previously provide
 - 29 a dedication.
 - 30 (5) The type of middle housing developed on the original parcel is not altered by a middle
 - 31 housing land division.
 - 32 (6) Notwithstanding ORS 197A.425 (1), a city or county is not required to allow an accessory
 - 33 dwelling unit on a lot or parcel resulting from a middle housing land division.
 - 34 (7) The tentative approval of a middle housing land division is void if and only if a final subdivi-
 - 35 sion or partition plat is not approved within three years of the tentative approval. Nothing in this
 - 36 section or ORS 197.360 to 197.380 prohibits a city or county from requiring a final plat before issu-
 - 37 ing building permits.
- 38 **SECTION 11.** ORS 92.010 is amended to read:
 - 39 92.010. As used in ORS 92.010 to 92.192, unless the context requires otherwise:
 - 40 (1) "Declarant" means the person who files a declaration under ORS 92.075.
 - 41 (2) "Declaration" means the instrument described in ORS 92.075 by which the subdivision or
 - 42 partition plat was created.
 - 43 (3)(a) "Lawfully established unit of land" means:
 - 44 (A) A lot or parcel created pursuant to ORS 92.010 to 92.192; or
 - 45 (B) Another unit of land created:

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

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

5 (b) “Lawfully established unit of land” does not mean a unit of land created solely to establish
 6 a separate tax account.

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

8 (5) “Negotiate” means any activity preliminary to the execution of a binding agreement for the
 9 sale of land in a subdivision or partition, including but not limited to advertising, solicitation and
 10 promotion of the sale of such land.

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

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

13 (8) “Partition plat” includes a final map and other writing containing all the descriptions, lo-
 14 cations, specifications, provisions and information concerning a partition.

15 (9)(a) “Partitioning land” means:

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

17 **or**

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

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

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

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

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

26 [(d)] (D) Selling or granting by a person to a public agency or public body of property for state
 27 highway, county road, city street or other right of way purposes if the road or right of way complies
 28 with the applicable comprehensive plan and ORS 215.213 (2)(p) to (r) and 215.283 (2)(q) to (s). How-
 29 ever, any property sold or granted for state highway, county road, city street or other right of way
 30 purposes shall continue to be considered a single unit of land until the property is further subdivided
 31 or partitioned[; *or*].

32 [(e)] (E) Selling or granting by a public agency or public body of excess property resulting from
 33 the acquisition of land by the state, a political subdivision or special district for highways, county
 34 roads, city streets or other right of way purposes when the sale or grant is part of a property line
 35 adjustment incorporating the excess right of way into adjacent property. The property line adjust-
 36 ment shall be approved or disapproved by the applicable local government. If the property line ad-
 37 justment is approved, it shall be recorded in the deed records of the county where the property is
 38 located.

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

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

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

43 (13) “Replat” means the act of platting the lots, parcels and easements in a recorded subdivision
 44 or partition plat to achieve a reconfiguration of the existing subdivision or partition plat or to in-
 45 crease or decrease the number of lots in the subdivision.

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

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

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

10 (17) "Subdivision" means either an act of subdividing land or an area or a tract of land subdivi-
 11 vided.

12 (18) "Subdivision plat" includes a final map and other writing containing all the descriptions,
 13 locations, specifications, dedications, provisions and information concerning a subdivision.

14 (19) "Utility easement" means an easement noted on a subdivision plat or partition plat for the
 15 purpose of installing or maintaining public or private utility infrastructure for the provision of wa-
 16 ter, power, heat or telecommunications to the public.

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

18 92.060. (1) The initial point, also known as the point of beginning, of a plat must be on the ex-
 19 terior boundary of the plat and must be marked with a monument that is either galvanized iron pipe
 20 or an iron or steel rod. If galvanized iron pipe is used, the pipe may not be less than three-quarter
 21 inch inside diameter and 30 inches long. If an iron or steel rod is used, the rod may not be less than
 22 five-eighths of an inch in least dimension and 30 inches long. The location of the monument shall
 23 be with reference by survey to a section corner, one-quarter corner, one-sixteenth corner, Donation
 24 Land Claim corner or to a monumented lot corner or boundary corner of a recorded subdivision,
 25 partition or condominium plat. When setting a required monument is impracticable under the cir-
 26 cumstances, the county surveyor may authorize the setting of another type of monument.

27 (2) In subdivision plats, the intersections, the initial point, also known as the point of beginning,
 28 the point of ending, points of curves and points of tangents, or the point of intersection of the curve
 29 if the point is within the pavement area of the road, of the centerlines of all streets and roads and
 30 all points on the exterior boundary where the boundary line changes direction, must be marked with
 31 monuments either of galvanized iron pipe or iron or steel rods. If galvanized iron pipe is used, the
 32 pipe may not be less than three-quarter inch inside diameter and 30 inches long. If iron or steel rods
 33 are used, the rod may not be less than five-eighths of an inch in least dimension and 30 inches long.
 34 When setting a required monument is impracticable under the circumstances:

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

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

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

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

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

43 (4) A surveyor shall set monuments with sufficient accuracy that measurements may be taken
 44 between monuments within one-tenth of a foot or within one ten-thousandth of the distance shown
 45 on the subdivision or partition plat, whichever is greater.

1 (5) A surveyor shall set monuments on the exterior boundary of a subdivision, unless the county
 2 surveyor waives the setting of a particular monument, where changes in the direction of the
 3 boundary occur and shall reference the monuments on the plat of the subdivision before the plat of
 4 the subdivision is offered for recording. However, the surveyor need not set the remaining monu-
 5 ments for the subdivision prior to the recording of the plat of the subdivision if:

6 (a) The registered professional land surveyor performing the survey work certifies that the re-
 7 maining monuments will be set, unless the county surveyor waives the setting of a particular mon-
 8 ument, on or before a specified date as provided in ORS 92.070 (2); and

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

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

18 (7) Except as provided in subsections (8) and (9) of this section, a property line adjustment must
 19 be surveyed and monumented in accordance with subsection (3) of this section and a survey, com-
 20 plying with ORS 209.250, must be filed with the county surveyor.

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

25 (9) The requirements of subsection (7) of this section do not apply to property transferred
 26 through a property line adjustment as described in ORS 92.010 [(9)(e)] **(9)(b)(E)**.

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

28 92.305. As used in ORS 92.305 to 92.495:

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

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

35 (3) [*Except as otherwise provided in ORS 92.325 (2),*] “Developer” means a person who purchases
 36 a lot, parcel or interest in a subdivision or series partition that does not have a single family resi-
 37 dential dwelling or duplex thereon to construct a single family residential dwelling or duplex on the
 38 lot, parcel or interest and to resell the lot, parcel or interest and the dwelling or duplex for eventual
 39 residential use purposes. “Developer” also includes a person who purchases a lot, parcel or other
 40 interest in a subdivision or series partition that does not have a single family residential dwelling
 41 or duplex thereon for resale to another person. “Developer” does not mean a “developer” as that
 42 term is defined in ORS 100.005.

43 (4) “Interest” includes a lot or parcel, and a share, undivided interest or membership which in-
 44 cludes the right to occupy the land overnight, and lessee’s interest in land for more than three years
 45 or less than three years if the interest may be renewed under the terms of the lease for a total pe-

1 rioid more than three years. “Interest” does not include any interest in a condominium as that term
 2 is defined in ORS 100.005 or any security interest under a land sales contract, trust deed or mort-
 3 gage. “Interest” does not include divisions of land created by lien foreclosures or foreclosures of
 4 recorded contracts for the sale of real property.

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

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

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

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

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

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

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

28 (12) “Subdivided lands” and “subdivision” mean improved or unimproved land or lands divided,
 29 or created into interests or sold under an agreement to be subsequently divided or created into in-
 30 terests, for the purpose of sale or lease, whether immediate or future, into 11 or more undivided
 31 interests or four or more other interests. “Subdivided lands” and “subdivision” include but are not
 32 limited to a subdivision of land located within this state subject to an ordinance adopted under ORS
 33 92.044 and do not include series partitioned lands. “Subdivided lands” and “subdivision” do not mean
 34 property submitted to ORS 100.005 to 100.910 or property located outside this state which has been
 35 committed to the condominium form of ownership in accordance with the laws of the jurisdiction
 36 within which the property is located.

37 (13) “Subdivider” means any person who causes land to be subdivided into a subdivision, or who
 38 undertakes to develop a subdivision, but does not include a public agency or officer authorized by
 39 law to make subdivisions.

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

41 92.425. (1) No lot, parcel or interest in a subdivision or series partition shall be sold by a sub-
 42 divider, series partitioner or developer by means of a land sale contract unless a collection escrow
 43 is established within this state with a person or firm authorized to receive escrows under the laws
 44 of this state and all of the following are deposited in the escrow:

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

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

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

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

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

14 (2) The subdivider, series partitioner or developer shall submit written authorization allowing
 15 the commissioner to inspect all escrow deposits established pursuant to subsection (1) of this sec-
 16 tion.

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

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

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

24 92.325. (1) *[Except as provided in subsection (2) of this section, no person shall]* **A person may**
 25 **not** sell or lease any subdivided lands or series partitioned lands without having complied with all
 26 the applicable provisions of ORS 92.305 to 92.495[.]

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

31 [(3) *Except as otherwise provided in paragraph (g) of this subsection,*] **except that** ORS 92.305 to
 32 92.495 do not apply to the sale or leasing of:

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

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

35 (c) Subdivided lands and series partitioned lands in Oregon that are not in unit ownership or
 36 being developed as unit ownerships created under ORS chapter 100, to be used for residential pur-
 37 poses and that qualify under ORS 92.337;

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

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

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

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

43 (h) **Except as provided in subsection (2) of this section,** subdivided and series partitioned
 44 lands in a city or county which, at the time tentative approval of a subdivision plat and each par-
 45 tition map for those lands is given under ORS 92.040 or an ordinance adopted under ORS 92.046,

1 has a comprehensive plan and implementing ordinances that have been acknowledged under ORS
 2 197.251[. *The subdivider or series partitioner of such lands shall comply with ORS 92.425, 92.427,*
 3 *92.430, 92.433, 92.460 and 92.485 in the sale or leasing of such lands*]; [or]

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

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

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

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

12 197A.420. (1) As used in this section:

13 (a) “City” or “city with a population of 25,000 or greater” includes, regardless of size, any city
 14 within Tillamook County and the communities of Barview/Twin Rocks/Watseco, Cloverdale, Hebo,
 15 Neahkahnie, Neskowin, Netarts, Oceanside and Pacific City/Woods.

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

18 (c) “Middle housing” means:

19 (A) Duplexes;

20 (B) Triplexes;

21 (C) Quadplexes;

22 (D) Cottage clusters; and

23 (E) Townhouses.

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

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

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

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

34 (3) Except as provided in subsection (4) of this section, each city not within a metropolitan
 35 service district with a population of 2,500 or greater and less than 25,000 shall allow the develop-
 36 ment of a duplex on each lot or parcel zoned for residential use that allows for the development of
 37 detached single-family dwellings. Nothing in this subsection prohibits a local government from al-
 38 lowing middle housing types in addition to duplexes.

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

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

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

42 (C) Lands that are not incorporated and also lack sufficient urban services, as defined in ORS
 43 195.065; or

44 (D) Lands that are not incorporated and are zoned under an interim zoning designation that
 45 maintains the land’s potential for planned urban development.

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

3 (5) Local governments may regulate siting and design of middle housing required to be permitted
 4 under this section, provided that the regulations do not, individually or cumulatively, discourage the
 5 development of all middle housing types permitted in the area through unreasonable costs or delay.
 6 Local governments may regulate middle housing to comply with protective measures adopted pur-
 7 suant to statewide land use planning goals.

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

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

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

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

14
 15 **MANUFACTURED STRUCTURE DOCUMENTATION**

16
 17 **SECTION 17.** ORS 446.571 is amended to read:

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

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

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

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

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

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

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

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

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

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

18 (a) Also owns the land on which the manufactured structure is located;

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

21 (c) Is a member of a manufactured dwelling park nonprofit cooperative formed under ORS 62.800
 22 to 62.815 that owns the land on which the manufactured structure is located.

23 (2) If the assessor, as agent for the department, determines that the manufactured structure
 24 qualifies for recording in the deed records of the county, the assessor shall cause the structure to
 25 be recorded in the deed records. The deed records must contain any unreleased security interest in
 26 the manufactured structure. If the department has issued an ownership document for the manufac-
 27 tured structure, the owner must submit the ownership document to the assessor with the application
 28 described in subsection (1) of this section. Upon recording the manufactured structure in the deed
 29 records, the assessor shall send the ownership document to the department for cancellation. The
 30 department shall cancel the ownership document and send confirmation of the cancellation to the
 31 assessor and the owner.

32 (3) The recording of a security interest in the deed records of the county under this section
 33 satisfies the requirements for filing a financing statement for a fixture to real property under ORS
 34 79.0502. The recording of a manufactured structure in the deed records of the county is independent
 35 of the assessment and taxation of the structure as real property under ORS 308.875. The recording
 36 of a manufactured structure in the deed records of the county makes the structure subject to the
 37 same provisions of law applicable to any other building, housing or structure on the land. However,
 38 the manufactured structure may not be sold separately from the land or leasehold estate unless the
 39 owner complies with subsection (4) of this section.

40 (4) The owner of a manufactured structure that is recorded in the deed records of the county
 41 may apply to have the structure removed from the deed records and an ownership document issued
 42 for the structure. Unless the manufactured structure is subject to ORS 446.631, the owner must ap-
 43 ply to the county assessor, as agent for the department, for an ownership document as provided in
 44 ORS 446.571. Upon approval of the application, the assessor shall terminate the recording of the
 45 manufactured structure in the deed records.

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

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

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

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

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

9
 10 **TENANT HOSPITALIZATION**

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

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

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

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

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

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

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

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

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

25 (b) A reasonable amount, charged on a per-day basis, beginning on the fifth day of the rental
 26 period for which rent is delinquent. This daily charge may accrue every day thereafter until the
 27 rent, not including any late charge, is paid in full, through that rental period only. The per-day
 28 charge may not exceed six percent of the amount described in paragraph (a) of this subsection[;
 29 *or*].

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

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

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

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

41 (6) Nonpayment of a late charge alone is not grounds for termination of a rental agreement for
 42 nonpayment of rent under ORS 90.394, but is grounds for termination of a rental agreement for
 43 cause under ORS 90.392 or 90.630 (1). A landlord may note the imposition of a late charge on a
 44 nonpayment of rent termination notice under ORS 90.394, so long as the notice states or otherwise
 45 makes clear that the tenant may cure the nonpayment notice by paying only the delinquent rent,

1 not including any late charge, within the allotted time.

2 (7) A late charge includes an increase or decrease in the regularly charged periodic rent pay-
 3 ment imposed because a tenant does or does not pay that rent by a certain date.

4 **(8) A tenant may not be assessed a late charge under this section based on nonpayment**
 5 **occurring on or during the dates that the tenant is hospitalized and for three days after, if**
 6 **the tenant gives written notice to the landlord demonstrating the hospitalization within 15**
 7 **days after discharge.**

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

9 90.394. The landlord may terminate the rental agreement for nonpayment of rent and take pos-
 10 session as provided in ORS 105.100 to 105.168, as follows:

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

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

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

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

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

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

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

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

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

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

30 (b) A written rental agreement and the notice expressly state that payment is to be made at a
 31 specified location that is either on the premises or at a place where the tenant has made all previ-
 32 ous rent payments in person; and

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

35 **(5) A notice period described in this section does not run during the days that a tenant**
 36 **is hospitalized or the three days following hospitalization, if the tenant provides written no-**
 37 **tice to the landlord demonstrating the hospitalization on or before the earlier of:**

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

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

40 **SECTION 21. The amendments to ORS 90.260 and 90.394 by sections 19 and 20 of this 2024**
 41 **Act apply to hospitalizations occurring on or after the effective date of this 2024 Act.**

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

43 90.100. As used in this chapter, unless the context otherwise requires:

44 (1) "Accessory building or structure" means any portable, demountable or permanent structure,
 45 including but not limited to cabanas, ramadas, storage sheds, garages, awnings, carports, decks,

1 steps, ramps, piers and pilings, that is:

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

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

5 (2) "Action" includes recoupment, counterclaim, setoff, suit in equity and any other proceeding
6 in which rights are determined, including an action for possession.

7 (3) "Applicant screening charge" means any payment of money required by a landlord of an
8 applicant prior to entering into a rental agreement with that applicant for a residential dwelling
9 unit, the purpose of which is to pay the cost of processing an application for a rental agreement for
10 a residential dwelling unit.

11 (4) "Attorney" includes an associate member of the Oregon State Bar practicing law within the
12 member's approved scope of practice.

13 (5) "Bias crime" has the meaning given that term in ORS 147.380.

14 (6) "Building and housing codes" includes any law, ordinance or governmental regulation con-
15 cerning fitness for habitation, or the construction, maintenance, operation, occupancy, use or ap-
16 pearance of any premises or dwelling unit.

17 (7) "Carbon monoxide alarm" has the meaning given that term in ORS 105.836.

18 (8) "Carbon monoxide source" has the meaning given that term in ORS 105.836.

19 (9) "Conduct" means the commission of an act or the failure to act.

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

22 (11) "Dealer" means any person in the business of selling, leasing or distributing new or used
23 manufactured dwellings or floating homes to persons who purchase or lease a manufactured dwelling
24 or floating home for use as a residence.

25 (12) "Domestic violence" means:

26 (a) Abuse between family or household members, as those terms are defined in ORS 107.705; or

27 (b) Abuse, as defined in ORS 107.705, between partners in a dating relationship.

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

29 (14) "Dwelling unit" means a structure or the part of a structure that is used as a home, resi-
30 dence or sleeping place by one person who maintains a household or by two or more persons who
31 maintain a common household. "Dwelling unit" regarding a person who rents a space for a manu-
32 factured dwelling or recreational vehicle or regarding a person who rents moorage space for a
33 floating home as defined in ORS 830.700, but does not rent the home, means the space rented and
34 not the manufactured dwelling, recreational vehicle or floating home itself.

35 (15) "Essential service" means:

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

38 (A) Heat, plumbing, hot and cold running water, gas, electricity, light fixtures, locks for exterior
39 doors, latches for windows and any cooking appliance or refrigerator supplied or required to be
40 supplied by the landlord; and

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

44 (b) For a tenancy consisting of rental space for a manufactured dwelling, floating home or rec-
45 reational vehicle owned by the tenant or that is otherwise subject to ORS 90.505 to 90.850:

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

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

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

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

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

10 (19) “Fixed term tenancy” means a tenancy that has a fixed term of existence, continuing to a
11 specific ending date and terminating on that date without requiring further notice to effect the ter-
12 mination.

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

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

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

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

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

19 (c) Is considered, by an arborist licensed as a landscape construction professional pursuant to
20 ORS 671.560 and certified by the International Society of Arboriculture, to pose an unreasonable
21 risk of causing serious physical harm or damage to individuals or property in the near future.

22 **(23) “Hospitalized” means being admitted to a hospital or emergency department for in-**
23 **patient care that results in an overnight stay in a health care facility as defined in ORS**
24 **442.015.**

25 [(23)] **(24)** “Hotel or motel” means “hotel” as that term is defined in ORS 699.005.

26 [(24)] **(25)** “Informal dispute resolution” includes voluntary consultation between the landlord
27 or landlord’s agent and one or more tenants or voluntary mediation utilizing the services of a third
28 party, but does not include mandatory mediation or arbitration.

29 [(25)] **(26)** “Landlord” means the owner, lessor or sublessor of the dwelling unit or the building
30 or premises of which it is a part. “Landlord” includes a person who is authorized by the owner,
31 lessor or sublessor to manage the premises or to enter into a rental agreement.

32 [(26)] **(27)** “Landlord’s agent” means a person who has oral or written authority, either express
33 or implied, to act for or on behalf of a landlord.

34 [(27)] **(28)** “Last month’s rent deposit” means a type of security deposit, however designated, the
35 primary function of which is to secure the payment of rent for the last month of the tenancy.

36 [(28)] **(29)** “Manufactured dwelling” means a residential trailer, a mobile home or a manufac-
37 tured home as those terms are defined in ORS 446.003 or a prefabricated structure. “Manufactured
38 dwelling” includes an accessory building or structure.

39 [(29)] **(30)** “Manufactured dwelling park” means a place where four or more manufactured
40 dwellings are located, the primary purpose of which is to rent space or keep space for rent to any
41 person for a charge or fee.

42 [(30)] **(31)** “Marina” means a moorage of contiguous dwelling units that may be legally trans-
43 ferred as a single unit and are owned by one person where four or more floating homes are secured,
44 the primary purpose of which is to rent space or keep space for rent to any person for a charge or
45 fee.

1 [(31)] (32) “Marina purchase association” means a group of three or more tenants who reside in
 2 a marina and have organized for the purpose of eventual purchase of the marina.

3 [(32)] (33) “Month-to-month tenancy” means a tenancy that automatically renews and continues
 4 for successive monthly periods on the same terms and conditions originally agreed to, or as revised
 5 by the parties, until terminated by one or both of the parties.

6 [(33)] (34) “Organization” includes a corporation, government, governmental subdivision or
 7 agency, business trust, estate, trust, partnership or association, two or more persons having a joint
 8 or common interest, and any other legal or commercial entity.

9 [(34)] (35) “Owner” includes a mortgagee in possession and means one or more persons, jointly
 10 or severally, in whom is vested:

11 (a) All or part of the legal title to property; or

12 (b) All or part of the beneficial ownership and a right to present use and enjoyment of the
 13 premises.

14 [(35)] (36) “Person” includes an individual or organization.

15 [(36)] (37) “Prefabricated structure” means a structure that is substantially constructed or as-
 16 sembled using closed construction at an off-site location in compliance with the state building code
 17 and that is sited and occupied by the owner in compliance with local codes.

18 [(37)] (38) “Premises” means:

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

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

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

24 [(38)] (39) “Prepaid rent” means any payment of money to the landlord for a rent obligation not
 25 yet due. In addition, “prepaid rent” means rent paid for a period extending beyond a termination
 26 date.

27 [(39)] (40) “Recreational vehicle” has the meaning given that term in ORS 174.101.

28 [(40)] (41) “Recreational vehicle park” has the meaning given that term in ORS 197.492.

29 [(41)(a)] (42)(a) “Rent” means any payment to be made to the landlord under the rental agree-
 30 ment, periodic or otherwise, in exchange for the right of a tenant and any permitted pet to occupy
 31 a dwelling unit to the exclusion of others and to use the premises.

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

34 [(42)] (43) “Rental agreement” means all agreements, written or oral, and valid rules and regu-
 35 lations adopted under ORS 90.262 or 90.510 (6) embodying the terms and conditions concerning the
 36 use and occupancy of a dwelling unit and premises. “Rental agreement” includes a lease. A rental
 37 agreement is either a week-to-week tenancy, month-to-month tenancy or fixed term tenancy.

38 [(43)] (44) “Roomer” means a person occupying a dwelling unit that does not include a toilet and
 39 either a bathtub or a shower and a refrigerator, stove and kitchen, all provided by the landlord, and
 40 where one or more of these facilities are used in common by occupants in the structure.

41 [(44)] (45) “Screening or admission criteria” means a written statement of any factors a landlord
 42 considers in deciding whether to accept or reject an applicant and any qualifications required for
 43 acceptance. “Screening or admission criteria” includes, but is not limited to, the rental history,
 44 character references, public records, criminal records, credit reports, credit references and incomes
 45 or resources of the applicant.

1 [(45)] **(46)** “Security deposit” means a refundable payment or deposit of money, however desig-
 2 nated, the primary function of which is to secure the performance of a rental agreement or any part
 3 of a rental agreement. “Security deposit” does not include a fee.

4 [(46)] **(47)** “Sexual assault” has the meaning given that term in ORS 147.450.

5 [(47)] **(48)** “Squatter” means a person occupying a dwelling unit who is not so entitled under a
 6 rental agreement or who is not authorized by the tenant to occupy that dwelling unit. “Squatter”
 7 does not include a tenant who holds over as described in ORS 90.427 (11).

8 [(48)] **(49)** “Stalking” means the behavior described in ORS 163.732.

9 [(49)] **(50)** “Statement of policy” means the summary explanation of information and facility
 10 policies to be provided to prospective and existing tenants under ORS 90.510.

11 [(50)] **(51)** “Surrender” means an agreement, express or implied, as described in ORS 90.148 be-
 12 tween a landlord and tenant to terminate a rental agreement that gave the tenant the right to oc-
 13 cupy a dwelling unit.

14 [(51)] **(52)** “Tenant”:

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

16 (A) Means a person, including a roomer, entitled under a rental agreement to occupy a dwelling
 17 unit to the exclusion of others, including a dwelling unit owned, operated or controlled by a public
 18 housing authority.

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

20 (b) For purposes of ORS 90.505 to 90.850, means only a person who owns and occupies as a
 21 residence a manufactured dwelling or a floating home in a facility and persons residing with that
 22 tenant under the terms of the rental agreement.

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

24 [(52)] **(53)** “Transient lodging” means a room or a suite of rooms.

25 [(53)] **(54)** “Transient occupancy” means occupancy in transient lodging that has all of the fol-
 26 lowing characteristics:

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

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

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

31 [(54)] **(55)** “Vacation occupancy” means occupancy in a dwelling unit, not including transient
 32 occupancy in a hotel or motel, that:

33 (a) Has all of the following characteristics:

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

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

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

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

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

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

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

42 (D) The recreational vehicle is required to be removed from the park at the end of the occu-
 43 pancy period before a new occupancy may begin; and

44 (E) A written agreement is signed by the occupant that substantially states: “Your occupancy
 45 of this recreational vehicle park is a vacation occupancy and is NOT subject to the Oregon Resi-

1 denial Landlord and Tenant Act (ORS chapter 90).”

2 [(55)] (56) “Victim” means:

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

5 (b) The parent or guardian of a minor household member against whom an incident related to
6 domestic violence, sexual assault, bias crime or stalking is perpetrated, unless the parent or guard-
7 ian is the perpetrator.

8 [(56)] (57) “Week-to-week tenancy” means a tenancy that has all of the following characteristics:

9 (a) Occupancy is charged on a weekly basis and is payable no less frequently than every seven
10 days;

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

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

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

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

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

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

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

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

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

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

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

27 (e) “Renter” means a person other than the facility tenant who is lawfully occupying the man-
28 ufactured dwelling or floating home under a subleasing agreement.

29 (f) “Subleasing agreement” means the written agreement between the facility landlord, facility
30 tenant, and renter concerning the occupancy of the renter and the rights of the parties.

31 (2) A facility tenant may not rent the facility tenant’s manufactured dwelling or floating home
32 to another person for a period exceeding three days unless the facility landlord, facility tenant and
33 renter enter into a written subleasing agreement specifying the rights and obligations of the facility
34 landlord, facility tenant and renter during the renter’s occupancy of the dwelling or home. The
35 subleasing agreement shall require the renter to timely pay to the facility landlord the space rent,
36 any separately assessed fees payable under the rental agreement and any separately billed utility
37 or service charge described in ORS 90.560 to 90.584. The subleasing agreement shall also grant the
38 renter the same rights as the facility tenant to cure a violation of the rental agreement for the fa-
39 cility space, to require the facility landlord to comply with ORS 90.730 and to be protected from
40 retaliatory conduct under ORS 90.765. This subsection does not authorize a facility tenant to sub-
41 lease to a renter in violation of the rental agreement.

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

1 (4) The rights and obligations of the renter under a subleasing agreement are in addition to the
 2 rights and obligations retained by the facility tenant under subsection (3) of this section and any
 3 rights or obligations of the facility tenant and renter under ORS 90.100 to 90.465.

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

7 (a) Without cause by giving the renter written notice not less than 30 days prior to the termi-
 8 nation;

9 (b) If a condition described in ORS 90.380 (5)(b) exists for the facility space, by giving the renter
 10 the same notice to which the facility tenant is entitled under ORS 90.380 (5)(b); or

11 (c) Subject to the right to cure:

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

13 (B) For any conduct by the renter that would be a violation of the rental agreement under ORS
 14 90.396 or 90.398 if committed by the facility tenant.

15 (6) Upon termination of a subleasing agreement by the facility landlord, whether with or without
 16 cause, the renter and the facility tenant are excused from continued performance under any sub-
 17 leasing agreement.

18 (7)(a) If, during the term of a subleasing agreement, the facility landlord gives notice to the fa-
 19 cility tenant of a rental agreement violation, a law or ordinance violation or the facility's closure,
 20 conversion or sale, the landlord shall also promptly give a copy of the notice to the renter. The
 21 giving of notice to the renter does not constitute notice to the facility tenant unless the facility
 22 tenant has expressly appointed the renter as the facility tenant's agent for purposes of receiving
 23 notice.

24 (b) If the facility landlord gives notice to the renter that the landlord is terminating the sub-
 25 leasing agreement, the landlord shall also promptly give a copy of the notice to the facility tenant
 26 by written notice.

27 (c) If, during the term of a subleasing agreement, the facility tenant gives notice to the facility
 28 landlord of a rental agreement violation, termination of tenancy or sale of the manufactured dwell-
 29 ing or floating home, the facility tenant shall also promptly give a copy of the notice to the renter.

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

32 (8) Before entering into a sublease agreement, the facility landlord may screen a renter under
 33 ORS 90.303, but may not apply to the renter credit and conduct screening criteria that is more re-
 34 strictive than the landlord applies to applicants for a tenancy of a dwelling or home that is either
 35 owned by the landlord or on consignment with the landlord under ORS 90.680.

36 (9) Notwithstanding subsection (2) of this section, if a facility landlord rents or has a policy of
 37 renting manufactured dwellings or floating homes that are listed for sale by the facility landlord, the
 38 facility landlord may not prohibit the facility tenant from entering into a subleasing agreement while
 39 the facility tenant actively markets for sale the facility tenant's manufactured dwelling or floating
 40 home.

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

42 90.634. (1) A landlord may not assert a lien under ORS 87.162 for dwelling unit rent against a
 43 manufactured dwelling or floating home located in a facility. Notwithstanding **ORS 90.675 or the**
 44 **definition of "tenant" in** ORS 90.100 [(51) and 90.675] and regardless of whether the owner of a
 45 manufactured dwelling or floating home occupies the dwelling or home as a residence, a facility

1 landlord that is entitled to unpaid rent and receives possession of the facility space from the sheriff
 2 following restitution pursuant to ORS 105.161 may sell or dispose of the dwelling or home as pro-
 3 vided in ORS 90.675.

4 (2) If a manufactured dwelling or floating home was occupied immediately prior to abandonment
 5 by a person other than the facility tenant, and the name and address of the person are known to the
 6 landlord, a landlord selling or disposing of the dwelling or home under subsection (1) of this section
 7 shall promptly send the person a copy of the notice sent to the facility tenant under ORS 90.675 (3).
 8 Notwithstanding ORS 90.425, the facility landlord may sell or dispose of goods left in the dwelling
 9 or home or upon the dwelling unit by the person in the same manner as if the goods were left by
 10 the facility tenant. If the name and address of the person are known to the facility landlord, the
 11 landlord shall promptly send the person a copy of the written notice sent to the facility tenant under
 12 ORS 90.425 (3) and allow the person the time described in the notice to arrange for removal of the
 13 goods.

14
 15 **SINGLE-UNIT HOUSING PROPERTY TAX EXCEPTION APPROVAL**

16
 17 **SECTION 25.** ORS 307.674 is amended to read:

18 307.674. (1) The city shall approve or deny an application filed under ORS 307.667 within 180
 19 days after receipt of the application. An application not acted upon within 180 days shall be deemed
 20 approved.

21 *[(2) Final action upon an application by the city shall be in the form of an ordinance or resolution*
 22 *that shall contain the owner's name and address, a description of the structure that is the subject of*
 23 *the application that includes either the legal description of the property or the assessor's property ac-*
 24 *count number and the specific conditions upon which the approval of the application is based.]*

25 *[(3)]* **(2)(a)** Following approval and on or before the deadline set forth in ORS 307.512, the city
 26 shall *[file with the county assessor and]* send a **notice of approval** to the owner *[at the last-known*
 27 *address of the owner a copy of the ordinance or resolution approving the application]*. The *[copy shall*
 28 *contain or be accompanied by a notice explaining]* **notice shall explain** the grounds for possible ter-
 29 mination of the exemption prior to the end of the exemption period or thereafter, and the effects of
 30 termination.

31 **(b)** In addition, the city shall file with the county assessor a document listing *[the same infor-*
 32 *mation otherwise required to be in an ordinance or resolution under subsection (2) of this section, as*
 33 *to each application deemed approved under subsection (1) of this section]* **the owner's name and**
 34 **address, a description of the structure that is the subject of the application that includes**
 35 **either the legal description of the property or the assessor's property account number and**
 36 **the specific conditions upon which the approval of the application is based.**

37 *[(4)]* **(3)** If the application is denied, the city shall state in writing the reasons for denial and
 38 send notice of denial to the applicant at the last-known address of the applicant within 10 days after
 39 the denial. The notice shall inform the applicant of the right to appeal under ORS 307.687.

40 *[(5)]* **(4)(a)** The city, after consultation with the county assessor, shall establish an application
 41 fee in an amount sufficient to cover the cost to be incurred by the city and the assessor in admin-
 42 istering ORS 307.651 to 307.687.

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

44 **(c)** If the application is approved, the city shall pay the application fee to the county assessor
 45 for deposit in the county general fund, after first deducting that portion of the fee attributable to

1 its own administrative costs in processing the application.

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

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

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

7 307.681. (1)(a) Except as provided in ORS 307.684, if, after an application has been approved
 8 under ORS 307.674, the city finds that any provision of ORS 307.651 to 307.687 is not being complied
 9 with, or any provision required by the city pursuant to ORS 307.651 to 307.687 is not being complied
 10 with, the city shall give notice to the owner, mailed to the owner’s last-known address, of the pro-
 11 posed termination of the exemption.

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

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

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

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

23
 24 **HOUSE BILL 2001 (2023) TECHNICAL FIXES**

25
 26 **SECTION 29.** ORS 184.455 is amended to read:

27 184.455. (1) The Oregon Department of Administrative Services shall allocate housing production
 28 targets to each city with a population of 10,000 or greater and to each unincorporated urbanized
 29 area within the Metro urban growth boundary. Housing production targets shall describe the pro-
 30 portion of the allocated housing need that the department determines should be produced by for-
 31 profit, nonprofit and public builders in each city within six years for a city or urbanized area inside
 32 Metro and within eight years for a city or urbanized area outside Metro.

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

34 (a) A total target; and

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

36 (3) In establishing housing production targets under this section, the department:

37 (a) May include a proportion of the allocated housing need to accommodate people experiencing
 38 homelessness and housing underproduction within a city greater than the proportion of the 20-year
 39 period; **and**

40 [*(b) Is not required to consider allocation of needed housing by Metro under ORS 197A.348 or
 41 197A.350; and*]

42 [(c)] (b) Shall coordinate the allocation of the targets with a schedule developed by the Depart-
 43 ment of Land Conservation and Development for requiring housing production strategies under ORS
 44 197A.100.

45 **SECTION 30.** ORS 197.320, as amended by section 16, chapter 13, Oregon Laws 2023, and sec-

tion 11, chapter 326, Oregon Laws 2023, is amended to read:

197.320. The Land Conservation and Development Commission shall issue an order requiring a local government, state agency or special district to take action necessary to bring its comprehensive plan, land use regulation, limited land use decisions or other land use decisions or actions into compliance with the goals, acknowledged comprehensive plan provisions, land use regulations, housing production strategy or housing acceleration agreements if the commission has good cause to believe:

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

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

(3) A local government is not making satisfactory progress toward performance of its compliance schedule.

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) Has materially breached a term of a housing acceleration agreement under ORS 197A.130 (8),

1 including a failure to meet the timeline for performance under ORS 197A.130 (8)(a)(A).

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

3 197.522. (1) As used in this section:

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

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

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

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

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

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

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

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

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

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

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

29 197.480. (1) Each city and county governing body shall provide for mobile home or manufactured
30 dwelling parks as an allowed use:

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

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

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

37 (a) Population projections;

38 (b) Household income levels;

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

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

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

45 (4) Notwithstanding the provisions of subsection (1) of this section, a city or county within

1 Metro, shall inventory the mobile home or manufactured dwelling parks sited in areas planned and
2 zoned or generally used for commercial, industrial or high density residential development.

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

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

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

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

12 197A.348. (1) As used in ORS 197A.350 and this section, “needed housing” means all housing on
13 land zoned for residential use or mixed residential and commercial use that is determined to meet
14 the need shown for housing within an urban growth boundary at price ranges and rent levels that
15 are affordable to households within the county with a variety of incomes, including but not limited
16 to households with low incomes, very low incomes and extremely low incomes, as those terms are
17 defined by the United States Department of Housing and Urban Development under 42 U.S.C. 1437a.
18 “Needed housing” includes the following housing types:

19 (a) Attached and detached single-family housing, middle housing types as described in ORS
20 197A.420 and multiple family housing for both owner and renter occupancy;

21 (b) Government assisted housing;

22 (c) Mobile home or manufactured dwelling parks as provided in ORS 197.475 to [197.493]
23 **197.490**;

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

26 (e) Agriculture workforce housing; and

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

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

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

31 (b) Current housing underproduction;

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

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

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

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

45 (5) Subsection (1)(a) and (d) of this section does not apply to a city with a population of less than

1 2,500.

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

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

5 197.492. As used in this section and ORS 197.493:

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

8 [(1)] (2) “Recreational vehicle” has the meaning given that term in ORS 174.101.

9 [(2)] (3) “Recreational vehicle park”:

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

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

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

14 (b) Does not mean:

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

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

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

18 197A.018. (1) As used in ORS chapter 197A, and except as provided in subsection (2) of this
19 section:

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

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

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

26 (B) Government assisted housing;

27 (C) Mobile home or manufactured dwelling parks as provided in ORS 197.475 to [197.493]
28 **197.490;**

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

31 (E) Housing for agricultural workers;

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

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

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

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

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

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

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

40 (3) At the time that a city is required to inventory its buildable lands under ORS 197A.270 (2),
41 197A.280 (2) or 197A.335 (1), the city shall determine its needed housing under this section.

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

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

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

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

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

4 197A.210. (1) At the time that a city is required to inventory its buildable lands under ORS
5 197A.270 (2), 197A.280 (2) or 197A.335 (1), the city shall inventory its development-ready lands.

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

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

11 197A.025. (1) In adopting rules under ORS chapter 197A and statewide planning goals relating
12 to housing or urbanization, or administering the rules or statutes, the Land Conservation and De-
13 velopment Commission and Department of Land Conservation and Development shall be guided by
14 the following principles:

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

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

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

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

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

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

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

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

35 (3) In adopting rules implementing ORS chapter 197A and statewide land use goals relating to
36 housing and urbanization, the commission may approve a range of methodologies, policy options or
37 assumptions that a local government may adopt in determining:

38 (a) Needed housing;

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

40 (c) Buildable lands or housing capacity;

41 (d) Amendments to urban growth boundaries, including under ORS 197A.215, 197A.270 (5)(a),
42 197A.285, **197A.300** to 197A.325, 197A.350 (6)(a) and 197A.362; or

43 (e) Adoption or amendments to urban reserves or rural reserves under ORS 197A.230 to
44 197A.250.

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

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

- 3 (a) The application is submitted by the owner of the lot or parcel;
- 4 (b)(A) The lot or parcel is adjacent to the edge of the urban growth boundary; or
- 5 (B) The lot or parcel is adjacent to another lot or parcel that is removed under this section;
- 6 (c) The lot or parcel is assessed under ORS 308A.050 to 308A.128 for its value for farm use;
- 7 (d) The lot or parcel is not within the boundaries of a city; and
- 8 (e) The lot or parcel is not included in an area identified for urban services under ORS 197.754.

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

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

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

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

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

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

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

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

27 197A.300. As used in ORS [197A.285] **197A.300** to 197A.325, “serviceable” means, with respect
28 to land, that:

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

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

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

34 197A.302. The purpose of ORS [197A.285] **197A.300** to 197A.325 is to direct the Land Conserva-
35 tion and Development Commission to develop and adopt simplified methods for a city that is outside
36 Metro to evaluate or amend the urban growth boundary of the city. The commission should design
37 the methods to:

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

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

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

45 (4) Encourage cities to increase the development capacity within the urban growth boundaries

1 of the cities;

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

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

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

7 197A.325. (1) Notwithstanding ORS 197.626, when a city evaluates or amends the urban growth
 8 boundary of the city pursuant to ORS 197A.310 or 197A.312, the Land Use Board of Appeals has
 9 jurisdiction for review of a final decision of the city.

10 (2) The board shall review the final decision of the city under ORS 197A.285 **and 197A.300** to
 11 197A.325 as provided in ORS 197.805 to 197.855, except that:

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

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

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

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

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

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

26 197A.335. (1) At least once every six years, by a date scheduled by the Land Conservation and
 27 Development Commission, a city that is within Metro and has a population of 10,000 or greater
 28 shall[.:]

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

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

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

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

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

44 197A.362. (1) Metro shall complete the inventory, determination and analysis required under
 45 ORS 197A.350 (3) not later than six years after completion of the previous inventory, determination

1 and analysis.

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

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

8 (c) [*The metropolitan service district*] **Metro** shall take action under ORS 197A.350 (6)(b), within
9 one year after the analysis required under ORS 197A.350 (3)(b) is completed, to provide sufficient
10 buildable land within the urban growth boundary to accommodate the estimated housing needs for
11 20 years from the time the actions are completed.

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

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

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

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

22 (B) Provide for a final decision on a proposal to expand the urban growth boundary within four
23 months after submission of a complete application by a large school district as defined in ORS
24 195.110.

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

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

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

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

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

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

41 (6)(a) If Metro, after revising its most recent determination and analysis pursuant to subsection
42 (5) of this section, concludes that an expansion of its urban growth boundary is warranted, Metro
43 may take action to expand its urban growth boundary in one or more locations to accommodate the
44 proposed development, provided the urban growth boundary expansion does not exceed a total of
45 1,000 acres.

- 1 (b) If Metro expands its urban growth boundary under this subsection, Metro:
- 2 (A) Must adopt the urban growth boundary expansion not more than four years after completing
- 3 its most recent demonstration of sufficient buildable lands under ORS 197A.350; and
- 4 (B) Is exempt from the boundary location requirements described in the statewide land use
- 5 planning goals relating to urbanization.

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CAPTIONS

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

12
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14

EFFECTIVE DATE

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

17
