House Bill 4063

Introduced and printed pursuant to House Rule 12.00. Presession 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


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, Nehkahnie, 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.

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

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

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

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

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

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

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

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

“Metro urban unincorporated lands” means lands within the Metro urban growth boundary that is identified by the county as:

(a) Not within a city;

(b) Zoned for urban development;

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

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

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

“Periodic review” means the process and procedures as set forth in ORS 197.628 to 197.651.

“Prefabricated structure” means a prefabricated structure, as defined in ORS 455.010, that is relocatable, more than eight and one-half feet wide and designed for use as a single-family dwelling.

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

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

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

(a) In an intergovernmental agreement;

(b) In a housing production strategy, housing coordination strategy or corrective action
plan under ORS 197A.100, 197A.365 or 197A.372; or
(c) To accommodate needed housing identified in an analysis of housing capacity under
ORS 197A.335 or 197A.350.

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

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

(1) Counties to amend their comprehensive plans, land use regulations and procedures
and to implement land use planning; and
(2) Local governments and special districts to plan for adequate infrastructure and to
support development-readiness for housing.

SECTION 5. ORS 184.451 is amended to read:
184.451. (1) There is established within the Oregon Department of Administrative Services the
Oregon Housing Needs Analysis. The purposes of the Oregon Housing Needs Analysis are to further
the:
(a) Production of housing to meet the need of Oregonians at all levels of affordability; and
(b) Production of housing in a way that creates more housing choice by affirmatively furthering
fair housing, as defined in ORS 197A.100.
(2) The Oregon Housing Needs Analysis consists of three components as follows:
(a) The annual statewide housing analysis under ORS 184.453 (1);
(b) The allocated housing need under ORS 184.453 (2); and
(c) The housing production targets under ORS 184.455.
(3) Actions taken by the department under ORS 184.451 to 184.455 are not subject to ORS
197.180 and are not land use decisions.
(4) The Department of Land Conservation and Development and the Housing and Community
Services Department:
(a) Shall assist the Oregon Department of Administrative Services with its duties under ORS
184.451 to 184.455.
(b) May study and recommend methodological changes to the Oregon Department of Adminis-
trative Services to improve the Oregon Housing Needs Analysis’ functions and suitability for its
purposes under subsection (1) of this section. The departments shall solicit written and oral public
testimony to inform their recommendations.
(5) As used in ORS 184.451 to 184.455, “city” [or] and “city with a population of 10,000 or
greater” [includes cities, as defined in ORS 197A.015, and urban unincorporated communities in
Metro, as defined in ORS 197.015] have the meanings given those terms in ORS 197A.015.

SECTION 6. ORS 184.453 is amended to read:
184.453. (1) On an annual basis the Oregon Department of Administrative Services shall conduct
a statewide housing analysis. The analysis must be conducted statewide and segmented into regions
as determined by the department. The analysis shall estimate factors including, but not limited to:
(a) Projected needed housing units over the next 20 years;
(b) Current housing underproduction;
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(c) Housing units needed for people experiencing homelessness; and
(d) Housing units projected to be converted into vacation homes or second homes during the
next 20 years.

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

(3) In making an allocation under subsection (2) of this section, the department shall consider:
(a) The forecasted population growth under ORS 195.033 or 195.036;
(b) The forecasted regional job growth;
(c) An equitable statewide distribution of housing for income levels described in subsection (4)
of this section;
(d) The estimates made under subsection (1) of this section;
(e) For cities within Metro, the needed housing projected under ORS 197A.348 (2); and
(f) The purpose of the Oregon Housing Needs Analysis under ORS 184.451 (1).

(4) In estimating and allocating housing need under this section, the department shall segment
need by the following income levels:
(a) Housing affordable to households making less than 30 percent of median family income;
(b) Housing affordable to households making 30 percent or more and less than 60 percent of
median family income;
(c) Housing affordable to households making 60 percent or more and less than 80 percent of
median family income;
(d) Housing affordable to households making 80 percent or more and less than 120 percent of
median family income; and
(e) Housing affordable to households making 120 percent or more of median family income.

OPTING IN TO AMENDED HOUSING
DEVELOPMENT REGULATIONS

SECTION 7. ORS 215.427 is amended to read:

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

(2) If an application for a permit, limited land use decision or zone change is incomplete, the
governing body or its designee shall notify the applicant in writing of exactly what information is
missing within 30 days of receipt of the application and allow the applicant to submit the missing
information. The application shall be deemed complete for the purpose of subsection (1) of this sec-
tion and ORS 197A.470 upon receipt by the governing body or its designee of:
(a) All of the missing information;
(b) Some of the missing information and written notice from the applicant that no other infor-
mation will be provided; or
(c) Written notice from the applicant that none of the missing information will be provided.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) All of the missing information;

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

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

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

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

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

(b) Unless the parties have agreed to mediation as described in subsection (10) of this section or ORS 197.319 (2)(b).
(7) Notwithstanding subsection (6) of this section, the period set in subsection (1) of this section and the 100-day period set in ORS 197A.470 do not apply to:

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

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

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

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

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

SECTION 8. ORS 227.178 is amended to read:

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

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

(a) All of the missing information;

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

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

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

(A) Upon the standards and criteria that were applicable at the time the application was first
(B) For an application to establish a residential use, upon the request of the applicant, those standards and criteria that became operative during the pendency of the application.

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

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

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

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

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

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

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

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

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

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

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

(a) All of the missing information;

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

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

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

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

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

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

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

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

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

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

(9)(a) To obtain a refund under subsection (8) of this section, the applicant may either:
(A) Submit a written request for payment, either by mail or in person, to the city or its designee;
or
(B) Include the amount claimed in a mandamus petition filed under ORS 227.179. The court shall
award an amount owed under this section in its final order on the petition.

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

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

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

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

REALTOR REJECTION OF DOCUMENTS

SECTION 9. ORS 696.805 is amended to read:

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

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

(a) To deal honestly and in good faith;
(b) To present all written offers, written notices and other written communications to and from
the parties in a timely manner without regard to whether the property is subject to a contract for
sale or the buyer is already a party to a contract to purchase; and
(c) To disclose material facts known by the seller’s agent and not apparent or readily
ascertainable to a party.
(3) A seller’s agent owes the seller involved in a real estate transaction the following affirmative
duties:
(a) To exercise reasonable care and diligence;
(b) To account in a timely manner for money and property received from or on behalf of the
seller;
(c) To be loyal to the seller by not taking action that is adverse or detrimental to the seller’s
interest in a transaction;
(d) To disclose in a timely manner to the seller any conflict of interest, existing or contemplated;
(e) To advise the seller to seek expert advice on matters related to the transaction that are
beyond the agent’s expertise;
(f) To maintain confidential information from or about the seller except under subpoena or court
order, even after termination of the agency relationship; and
(g) Unless agreed otherwise in writing, to make a continuous, good faith effort to find a buyer
for the property, except that a seller’s agent is not required to seek additional offers to purchase
the property while the property is subject to a contract for sale.
(4) A seller’s agent may show properties owned by another seller to a prospective buyer and
may list competing properties for sale without breaching any affirmative duty to the seller.
(5) Except as provided in subsection (3)(g) of this section, an affirmative duty may not be waived.
(6) Nothing in this section implies a duty to investigate matters that are outside the scope of
the real estate licensee’s expertise, including but not limited to investigation of the condition of
property, the legal status of the title or the owner’s past conformance with law, unless the licensee
or the licensee’s agent agrees in writing to investigate a matter.

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

MIDDLE HOUSING PARTITIONS

SECTION 10. ORS 92.031 is amended to read:
92.031. (1) As used in this section, “middle housing land division” means a partition or subdivi-
sion of a single lot or parcel on which [the development of] will be developed any middle housing
type that is allowed under ORS 197A.420 (2) or (3).
(2) A city or county shall approve a tentative plan for a middle housing land division if the ap-
plication includes:
(a) A proposal for development of middle housing in compliance with the Oregon residential
specialty code and land use regulations applicable to the original lot or parcel or the resulting lots
or parcels allowed under ORS 197A.420 (5);
(b) Separate utilities for each dwelling unit;
(c) Proposed easements necessary for each dwelling unit on the plan for:
(A) Locating, accessing, replacing and servicing all utilities;

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

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

(D) Any dedicated driveways or parking; and

(E) Any dedicated common area;

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

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

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

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

(b) Require that a notation appear on the final plat indicating that the approval was given under this section.

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

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

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

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

(d) May not subject the application to procedures, ordinances or regulations adopted under ORS 92.044 or 92.046 that are inconsistent with this section or ORS 197.360 to 197.380.

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

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

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

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

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

SECTION 11. ORS 92.010 is amended to read:

92.010. As used in ORS 92.010 to 92.192, unless the context requires otherwise:

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

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

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

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

(B) Another unit of land created:
(i) In compliance with all applicable planning, zoning and subdivision or partition ordinances and regulations; or
(ii) By deed or land sales contract, if there were no applicable planning, zoning or subdivision or partition ordinances or regulations.

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

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

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

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

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

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

(9)(a) “Partitioning land” means:

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

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

(b) “Partitioning land” does not include:

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

(b) (B) Adjusting a property line via a property line adjustment as defined in this section.

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

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

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

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

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

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

(13) “Replat” means the act of platting the lots, parcels and easements in a recorded subdivision or partition plat to achieve a reconfiguration of the existing subdivision or partition plat or to increase or decrease the number of lots in the subdivision.
(14) “Road” or “street” means a public or private way that is created to provide ingress or egress for persons to one or more lots, parcels, areas or tracts of land, excluding a private way that is created to provide ingress or egress to such land in conjunction with the use of such land for forestry, mining or agricultural purposes.

(15) “Sale” or “sell” includes every disposition or transfer of land or an interest or estate therein.

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

(17) “Subdivision” means either an act of subdividing land or an area or a tract of land subdivided.

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

(19) “Utility easement” means an easement noted on a subdivision plat or partition plat for the purpose of installing or maintaining public or private utility infrastructure for the provision of water, power, heat or telecommunications to the public.

SECTION 12. ORS 92.060 is amended to read:

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

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

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

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

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

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

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

(4) A surveyor shall set monuments with sufficient accuracy that measurements may be taken between monuments within one-tenth of a foot or within one ten-thousandth of the distance shown on the subdivision or partition plat, whichever is greater.
(5) A surveyor shall set monuments on the exterior boundary of a subdivision, unless the county surveyor waives the setting of a particular monument, where changes in the direction of the boundary occur and shall reference the monuments on the plat of the subdivision before the plat of the subdivision is offered for recording. However, the surveyor need not set the remaining monuments for the subdivision prior to the recording of the plat of the subdivision if:

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

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

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

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

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

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

SECTION 13. ORS 92.305 is amended to read:

92.305. As used in ORS 92.305 to 92.495:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) A copy of the title report or abstract, as it relates to the property being sold.
(b) The original sales document or an executed copy thereof relating to the purchase of real
property in the subdivision or series partition clearly setting forth the legal description of the
property being purchased, the principal amount of the encumbrance outstanding at the date of the
sales document and the terms of the document.

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

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

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

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

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

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

SECTION 15. ORS 92.325 is amended to read:

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

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

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

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

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

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

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

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

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

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

(h) Except as provided in subsection (2) of this section, subdivided and series partitioned
lands in a city or county which, at the time tentative approval of a subdivision plat and each par-
tition map for those lands is given under ORS 92.040 or an ordinance adopted under ORS 92.046,
has a comprehensive plan and implementing ordinances that have been acknowledged under ORS 197.251. The subdivider or series partitioner of such lands shall comply with ORS 92.425, 92.427, 92.430, 92.433, 92.460 and 92.485 in the sale or leasing of such lands; or

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

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

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

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

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

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

(c) “Middle housing” means:

(A) Duplexes;

(B) Triplexes;

(C) Quadplexes;

(D) Cottage clusters; and

(E) Townhouses.

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

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

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

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

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

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

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

(B) Lands not within an urban growth boundary;

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

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

[16]
(b) This section does not apply to lands that are not zoned for residential use, including lands
zoned primarily for commercial, industrial, agricultural or public uses.

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

(6) This section does not prohibit local governments from permitting:
(a) Single-family dwellings in areas zoned to allow for single-family dwellings; or
(b) Middle housing in areas not required under this section.

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

MANUFACTURED STRUCTURE DOCUMENTATION

SECTION 17. ORS 446.571 is amended to read:

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

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

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

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

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

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

(4) The department shall send the ownership document to the holder of the earliest perfected
unreleased security interest in the manufactured structure or, if none, to the owner of the structure.
The department shall also send a copy of the ownership document to the county assessor for the
county in which the manufactured structure is being sited.
(5) If an interest in a manufactured structure other than an ownership interest is satisfied or assigned, unless the satisfaction or assignment is recorded in the deed records of the county, the holder of the interest shall notify the department. If the holder of the satisfied interest is in possession of the ownership document for the structure, the holder shall return the ownership document to the department. The department shall adjust the ownership document and send the adjusted ownership document and copy as described in subsection (4) of this section.

SECTION 18. ORS 446.626 is amended to read:

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

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

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

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

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

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

(4) The owner of a manufactured structure that is recorded in the deed records of the county may apply to have the structure removed from the deed records and an ownership document issued for the structure. Unless the manufactured structure is subject to ORS 446.631, the owner must apply to the county assessor, as agent for the department, for an ownership document as provided in ORS 446.571. Upon approval of the application, the assessor shall terminate the recording of the manufactured structure in the deed records.
(5) If a manufactured structure described in subsection (1)(b) or (c) of this section is recorded in the deed records, the owner of the structure has a real property interest in the manufactured structure for purposes of:

(a) Recordation of documents pursuant to ORS 93.600 to 93.802, 93.804, 93.806 and 93.808;
(b) Deed forms pursuant to ORS 93.850 to 93.870;
(c) Mortgages, trust deeds and other liens pursuant to ORS chapters 86, 87 and 88; and
(d) Real property tax collection pursuant to ORS chapters 311 and 312. The structure owner is considered the owner of the real property for purposes of assessing the structure under ORS 308.875.

TENANT HOSPITALIZATION

SECTION 19. ORS 90.260 is amended to read:

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

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

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

(A) The tenant's obligation to pay a late charge on delinquent rent payments;
(B) The type and amount of the late charge, as described in subsection (2) of this section; and
(C) The date on which rent payments are due and the date or day on which late charges become due.

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

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

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

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

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

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

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

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

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

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

SECTION 20. ORS 90.394 is amended to read:

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

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

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

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

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

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

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

(a) The notice is served on the tenant:

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

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

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

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

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

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

(a) Fifteen days following discharge; or

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

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

SECTION 22. ORS 90.100 is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

(12) “Domestic violence” means:
(a) Abuse between family or household members, as those terms are defined in ORS 107.705; or
(b) Abuse, as defined in ORS 107.705, between partners in a dating relationship.

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

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

(15) “Essential service” means:
(a) For a tenancy not consisting of rental space for a manufactured dwelling, floating home or
recreational vehicle owned by the tenant and not otherwise subject to ORS 90.505 to 90.850:
(A) Heat, plumbing, hot and cold running water, gas, electricity, light fixtures, locks for exterior
doors, latches for windows and any cooking appliance or refrigerator supplied or required to be
supplied by the landlord; and
(B) Any other service or habitability obligation imposed by the rental agreement or ORS 90.320,
the lack or violation of which creates a serious threat to the tenant’s health, safety or property or
makes the dwelling unit unfit for occupancy.
(b) For a tenancy consisting of rental space for a manufactured dwelling, floating home or rec-
dreational vehicle owned by the tenant or that is otherwise subject to ORS 90.505 to 90.850:
(A) Sewage disposal, water supply, electrical supply and, if required by applicable law, any
drainage system; and

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

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

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

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

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

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

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

(22) “Hazard tree” means a tree that:
(a) Is located on a rented space in a manufactured dwelling park;
(b) Measures at least eight inches DBH; and
(c) Is considered, by an arborist licensed as a landscape construction professional pursuant to
ORS 671.560 and certified by the International Society of Arboriculture, to pose an unreasonable
risk of causing serious physical harm or damage to individuals or property in the near future.

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

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

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

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

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

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

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

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

[30] (31) “Marina” means a moorage of contiguous dwelling units that may be legally trans-
ferred as a single unit and are owned by one person where four or more floating homes are secured,
the primary purpose of which is to rent space or keep space for rent to any person for a charge or
fee.
“Marina purchase association” means a group of three or more tenants who reside in a marina and have organized for the purpose of eventual purchase of the marina.

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

“Organization” includes a corporation, government, governmental subdivision or agency, business trust, estate, trust, partnership or association, two or more persons having a joint or common interest, and any other legal or commercial entity.

“Owner” includes a mortgagee in possession and means one or more persons, jointly or severally, in whom is vested:

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

“Person” includes an individual or organization.

“Prefabricated structure” means a structure that is substantially constructed or assembled using closed construction at an off-site location in compliance with the state building code and that is sited and occupied by the owner in compliance with local codes.

“Premises” means:

(a) A dwelling unit and the structure of which it is a part and facilities and appurtenances therein;
(b) Grounds, areas and facilities held out for the use of tenants generally or the use of which is promised to the tenant; and
(c) A facility for manufactured dwellings or floating homes.

“Prepaid rent” means any payment of money to the landlord for a rent obligation not yet due. In addition, “prepaid rent” means rent paid for a period extending beyond a termination date.

“Recreational vehicle” has the meaning given that term in ORS 174.101.

“Recreational vehicle park” has the meaning given that term in ORS 197.492.

“Rent” means any payment to be made to the landlord under the rental agreement, periodic or otherwise, in exchange for the right of a tenant and any permitted pet to occupy a dwelling unit to the exclusion of others and to use the premises.

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

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

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

“Screening or admission criteria” means a written statement of any factors a landlord considers in deciding whether to accept or reject an applicant and any qualifications required for acceptance. “Screening or admission criteria” includes, but is not limited to, the rental history, character references, public records, criminal records, credit reports, credit references and incomes or resources of the applicant.
“Security deposit” means a refundable payment or deposit of money, however designated, the primary function of which is to secure the performance of a rental agreement or any part of a rental agreement. “Security deposit” does not include a fee.

“Sexual assault” has the meaning given that term in ORS 147.450.

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

“Stalking” means the behavior described in ORS 163.732.

“Surrender” means an agreement, express or implied, as described in ORS 90.148 between a landlord and tenant to terminate a rental agreement that gave the tenant the right to occupy a dwelling unit.

“Tenant”: (a) Except as provided in paragraph (b) of this subsection:

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

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

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

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

“Transient lodging” means a room or a suite of rooms.

“Transient occupancy” means occupancy in transient lodging that has all of the following characteristics:

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

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

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

“Vacation occupancy” means occupancy in a dwelling unit, not including transient occupancy in a hotel or motel, that:

(a) Has all of the following characteristics:

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

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

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

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

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

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

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

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

(E) A written agreement is signed by the occupant that substantially states: “Your occupancy of this recreational vehicle park is a vacation occupancy and is NOT subject to the Oregon Resi-
dential Landlord and Tenant Act (ORS chapter 90)."

[(55)] (56) “Victim” means:

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

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

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

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

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

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

SECTION 23. ORS 90.555 is amended to read:

90.555. (1) As used in this section:

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

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

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

and

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

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

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

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

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

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

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

(3) [Notwithstanding ORS 90.100 (51),] A facility tenant who enters into a subleasing agreement
remains the tenant of the facility space and retains all rights and obligations under the rental
agreement and this chapter. The occupancy by a renter does not constitute abandonment of the
dwelling or home by the facility tenant.
(4) The rights and obligations of the renter under a subleasing agreement are in addition to the rights and obligations retained by the facility tenant under subsection (3) of this section and any rights or obligations of the facility tenant and renter under ORS 90.100 to 90.465.

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

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

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

(c) Subject to the right to cure:

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

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

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

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

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

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

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

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

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

SECTION 24. ORS 90.634 is amended to read:

90.634. (1) A landlord may not assert a lien under ORS 87.162 for dwelling unit rent against a manufactured dwelling or floating home located in a facility. Notwithstanding ORS 90.675 or the definition of “tenant” in ORS 90.100 [(51) and 90.675] and regardless of whether the owner of a manufactured dwelling or floating home occupies the dwelling or home as a residence, a facility
landlord that is entitled to unpaid rent and receives possession of the facility space from the sheriff following restitution pursuant to ORS 105.161 may sell or dispose of the dwelling or home as provided in ORS 90.675.

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

SINGLE-UNIT HOUSING PROPERTY TAX EXCEPTION APPROVAL

SECTION 25. ORS 307.674 is amended to read:

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

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

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

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

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

[(5) (4)(a) The city, after consultation with the county assessor, shall establish an application fee in an amount sufficient to cover the cost to be incurred by the city and the assessor in administering ORS 307.651 to 307.687.

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

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

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

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

SECTION 27. ORS 307.681 is amended to read:

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

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

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

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

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

HOUSE BILL 2001 (2023) TECHNICAL FIXES

SECTION 29. ORS 184.455 is amended to read:

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

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

(a) A total target; and

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

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

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

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

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

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

SECTION 31. ORS 197.522 is amended to read:

197.522. (1) As used in this section:

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

(b) “Partition” has the meaning given that term in ORS 92.010.

(c) “Permit” means a permit as defined in ORS 215.402 and a permit as defined in ORS 227.160.

(d) “Subdivision” has the meaning given that term in ORS 92.010.

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

(3) If an application is inconsistent with the comprehensive plan and applicable land use regulations, the local government, prior to making a final decision on the application, shall allow the applicant to offer an amendment or to propose conditions of approval that would make the application consistent with the plan and applicable regulations. If an applicant seeks to amend the application or propose conditions of approval:

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

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

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

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

SECTION 33. ORS 197.480 is amended to read:

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

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

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

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

(a) Population projections;

(b) Household income levels;

(c) Housing market trends of the region; and

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

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

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

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

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

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

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

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

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

(b) Government assisted housing;

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

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

(e) Agriculture workforce housing; and

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

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

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

(b) Current housing underproduction;

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

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

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

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

(5) Subsection (1)(a) and (d) of this section does not apply to a city with a population of less than
 SECTION 35. ORS 197.492 is amended to read:

197.492. As used in this section and ORS 197.493:

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

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

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

1. The renting of space and related facilities for a charge or fee; or
2. The provision of space for free in connection with securing the patronage of a person.

(b) Does not mean:

1. An area designated only for picnicking or overnight camping; or
2. A manufactured dwelling park or mobile home park.

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

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

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

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

1. Detached single-family housing, middle housing types as described in ORS 197A.420 and multifamily housing that is owned or rented;
2. Government assisted housing;
3. Mobile home or manufactured dwelling parks as provided in ORS 197.475 to 197.493;
4. Manufactured homes on individual lots planned and zoned for single-family residential use that are in addition to lots within designated manufactured dwelling subdivisions;
5. Housing for agricultural workers;
6. Housing for individuals with a variety of disabilities, related to mobility or communications, that require accessibility features;
7. Housing for older persons, as defined in ORS 659A.421;
8. Housing for college or university students, if relevant to the region; and
9. Single room occupancies as defined in ORS 197A.430.

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

(a) A city with a population of less than 2,500.
(b) A county with a population of less than 15,000.

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

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

(a) Attainable for the allocated housing need by income, including consideration of publicly supported housing;
(b) Appropriately responsive to current and projected market trends; and
(c) Responsive to the factors in ORS 197A.100 (2)(b) to (d).

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

197A.210. (1) At the time that a city is required to inventory its buildable lands under ORS 197A.270 (2), 197A.280 (2) or 197A.335 (1), the city shall inventory its development-ready lands.
(2) If the total housing production target is greater than the housing capacity of development-ready lands, the local government shall take any actions in ORS 197A.100 (3) that demonstrably prepare lands for development or redevelopment or increase the housing capacity of existing development-ready lands.

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

197A.025. (1) In adopting rules under ORS chapter 197A and statewide planning goals relating to housing or urbanization, or administering the rules or statutes, the Land Conservation and Development Commission and Department of Land Conservation and Development shall be guided by the following principles:
(a) Housing that is safe, accessible and affordable in the community of their choice should be available to every Oregonian.
(b) Building enough equitable housing must be a top priority.
(c) The development and implementation of the housing production strategy should be the focal point by which the department collaborates with local governments to address and eliminate local barriers to housing production.
(d) Expertise, technical assistance, model ordinances and other tools and resources to address housing production should be provided to local governments, using cooperative planning tools embodied in ORS 197A.103 and 197A.130, but not to the exclusion of the expedient use of enforcement authority, including compliance orders under ORS 197.319 to 197.335.
(e) Housing production should support fair and equitable housing outcomes, environmental justice, climate resilience and access to opportunity.
(f) Housing production should not be undermined by litigation, regulatory uncertainty or repetitive or unnecessary procedures.
(g) Local governments, to the greatest extent possible, should take actions within their control to facilitate the production of housing to meet housing production targets under ORS 184.455.
(2) Each public body, as defined in ORS 174.109, shall use its authority to remove barriers to, and to create pathways for, the development of needed housing and shall collaborate with the department and local governments to identify and implement strategies to support housing production where there is insufficient housing production and choice.
(3) In adopting rules implementing ORS chapter 197A and statewide land use goals relating to housing and urbanization, the commission may approve a range of methodologies, policy options or assumptions that a local government may adopt in determining:
(a) Needed housing;
(b) Housing production strategies or housing coordination strategies;
(c) Buildable lands or housing capacity;
(d) Amendments to urban growth boundaries, including under ORS 197A.215, 197A.270 (5)(a), 197A.285, 197A.300 to 197A.325, 197A.350 (6)(a) and 197A.362; or
(e) Adoption or amendments to urban reserves or rural reserves under ORS 197A.230 to 197A.250.

SECTION 39. ORS 197A.215 is amended to read:
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ORS 197A.300 is amended to read:

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

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

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

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

197A.302. The purpose of ORS 197A.285 to 197A.325 is to direct the Land Conservation and Development Commission to develop and adopt simplified methods for a city that is outside Metro to evaluate or amend the urban growth boundary of the city. The commission should design the methods to:

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

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

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

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

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

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

SECTION 42. ORS 197A.325 is amended to read:
ORS 197A.325. (1) Notwithstanding ORS 197.626, when a city evaluates or amends the urban growth boundary of the city pursuant to ORS 197A.310 or 197A.312, the Land Use Board of Appeals has jurisdiction for review of a final decision of the city.

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

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

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

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

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

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

SECTION 43. ORS 197A.335 is amended to read:
ORS 197A.335. (1) At least once every six years, by a date scheduled by the Land Conservation and Development Commission, a city that is within Metro and has a population of 10,000 or greater shall:

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

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

(2) The housing capacity determination and the needed housing analysis conducted under this section must be adopted as part of the city’s comprehensive plan no later than one year after completion of the needed housing analysis.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(6)(a) If Metro, after revising its most recent determination and analysis pursuant to subsection (5) of this section, concludes that an expansion of its urban growth boundary is warranted, Metro may take action to expand its urban growth boundary in one or more locations to accommodate the proposed development, provided the urban growth boundary expansion does not exceed a total of 1,000 acres.
(b) If Metro expands its urban growth boundary under this subsection, Metro:
(A) Must adopt the urban growth boundary expansion not more than four years after completing its most recent demonstration of sufficient buildable lands under ORS 197A.350; and
(B) Is exempt from the boundary location requirements described in the statewide land use planning goals relating to urbanization.

CAPTIONS

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

EFFECTIVE DATE

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