

**SENATE AMENDMENTS TO
B-ENGROSSED HOUSE BILL 2138
(INCLUDING AMENDMENTS TO RESOLVE CONFLICTS)**

By JOINT COMMITTEE ON WAYS AND MEANS

June 23

1 On page 9 of the printed B-engrossed bill, after line 2, insert:

2 “**SECTION 7a.** If House Bill 3144 becomes law, section 7 of this 2025 Act (amending ORS
3 93.277) is repealed and ORS 93.277, as amended by section 1, chapter 274, Oregon Laws 2025
4 (Enrolled House Bill 3144), is amended to read:

5 “93.277. (1) A provision in a recorded instrument affecting real property is void and
6 unenforceable, as being against the policy of this state of promoting housing availability and
7 affordability and affirmatively furthering fair housing as defined in ORS 197A.100, if, within
8 an urban growth boundary as defined in ORS 197.015, the provision would allow the develop-
9 ment of a single-unit dwelling on the real property but would prohibit the development of,
10 or the partitioning or subdividing of lands under ORS 92.031 for:

11 “(a) Middle housing, as defined in ORS 197A.420; or

12 “(b) An accessory dwelling unit allowed under ORS 197A.425.

13 “[1] (2) A provision in a recorded instrument affecting real property is not enforceable if the
14 provision would allow the development of a [*single-family*] **single-unit** dwelling on the real property
15 but would prohibit the development of[, or the partitioning or subdividing of lands under ORS 92.031
16 for]:

17 “[*(a) Middle housing, as defined in ORS 197A.420;*]

18 “[*(b) An accessory dwelling unit allowed under ORS 197A.425 (1);*]

19 “[*(c) (a) A manufactured dwelling, as defined in ORS 446.003; or*

20 “[*(d) (b) A prefabricated structure, as defined in ORS 197A.015.*]

21 “[2] (3) **Subsection (2) of this section** applies only [*if the*] **to an instrument**[.]:

22 “[*(a) Contains a provision described under subsection (1)(a) or (b) of this section and was executed*
23 *on or after January 1, 2021.*]

24 “[*(b) Contains a provision described under subsection (1)(c) or (d) of this section and was*] executed
25 on or after [*effective date of this 2025 Act*] **January 1, 2026.**”.

26 In line 17, delete “94.766” and insert “94.776”.

27 Delete line 21 and insert:

28 “**SECTION 12.** The repeal of section 7 of this 2025 Act (amending ORS 93.277) by section
29 7a of this 2025 Act and the amendments to ORS 93.277 by section 7a of this 2025 Act become
30 operative on January 1, 2027.”.

31 On page 48, after line 24, insert:

32 “**SECTION 48a.** Notwithstanding section 48 of this 2025 Act (amending ORS 476.394), if
33 Senate Bill 83 becomes law, ORS 476.394 is repealed by section 1, chapter ___, Oregon Laws
34 2025 (Enrolled Senate Bill 83).”.

