

SB 1561 A STAFF MEASURE SUMMARY

House Committee On Housing and Homelessness

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Meeting Dates: 2/24, 2/26

WHAT THE MEASURE DOES:

The measure requires local governments to approve the restoration or replacement of a dwelling through a process other than a land use decision if the dwelling was damaged in a natural disaster. It outlines the circumstances under which a dwelling would be eligible for this process and limits the size and placement of the replacement dwelling.

Detailed Summary

- Requires local governments to approve an application for the restoration or replacement of a damaged dwelling under a process other than a land-use decision under the following circumstances:
 - The application was filed within three years of the destruction of the original dwelling
 - The former dwelling has had the following components prior to destruction:
 - An intact exterior wall
 - A roof
 - Indoor plumbing, including a kitchen sink, toilet and bathing facilities, all connected to a sanitary waste disposal system
 - Wiring for interior lights
 - A heating system
 - The former dwelling unit had the appropriate authorization under the current land use system or was assessed for tax purposes as a residential dwelling for at least 10 years prior to the rebuilding application.
- Requires replacement dwellings to:
 - Not exceed 125 percent of the floor area of the original dwelling
 - Be adequately served by utilities and road
 - Be located, except under certain circumstances, at least partially within the footprint of the former building
 - Comply with the building codes in effect on the date the original dwelling was damaged or destroyed
- Requires construction to:
 - Begin on the replacement dwelling within four years of the application approval
 - Remove, demolish, or incorporate the original dwelling within three months of completing the new dwelling
- Specifies to whom a local government may delegate application approval
- Authorizes local governments to require an applicant to give notice to certain nonparties and provide these parties with an opportunity to submit written comments.

FISCAL: Has minimal fiscal impact

REVENUE: No revenue impact

SENATE VOTE: Ayes 28; Nays 0

ISSUES DISCUSSED:

- Administrative process for rebuilding homes lost to natural disasters
- House Bill 2289 (2021) policy for rebuilding homes destroyed by the 2020 fires

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

Under current law, certain dwelling replacements require prior approval of a land use permit, depending on the property's zoning and the status of the existing dwelling. This includes properties zoned Agriculture/Forest, Exclusive Farm Use, or Timber, as well as situations where the dwelling to be replaced is considered a nonconforming use. These land use decisions can require public notice and comment periods, public hearings, and may be appealed. House Bill 2289 (2021) authorized a property owner to alter, restore, or replace certain nonresidential uses without further application to a local government for structures and uses destroyed by the 2020 wildfires and required a local government to approve an application to alter, restore, or replace certain dwellings.