

A-Engrossed House Bill 4037

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

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

SUMMARY

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

Digest: This Act changes some housing programs, agencies and laws and rules about home building. (Flesch Readability Score: 65.7).

Adjusts certain terms of the revolving loan program for cities and counties to fund affordable housing projects.

Allows state agencies to adjust terms of a grant made to the Network for Oregon Affordable Housing in the last biennium.

[Authorizes the Housing Accountability and Production Office to enter an interim administrative order against local governments.]

Limits the building permit plan review for housing with two or fewer dwelling units.

Establishes a local government process for land use approvals for housing subject only to clear and objective standards, conditions and procedures. **Becomes operative on July 1, 2026.**

[Shortens the period under which local governments may review similar housing development applications by the same applicant.]

Establishes responsibilities for landlords and tenants for residential tenancies destroyed by natural disasters.

Requires state agencies to give priority to housing providers when transferring surplus real property.

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

A BILL FOR AN ACT

1
2 Relating to housing; creating new provisions; amending ORS 92.031, 197.320, 197A.140, 197A.400,
3 270.010, 270.030, 270.100, 307.213, 307.214, 307.216, 307.221, 307.225, 307.227, 307.229, 307.231,
4 307.233, 458.628 and 458.352 and section 22, chapter 476, Oregon Laws 2025; and prescribing an
5 effective date.

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

CITY AND COUNTY HOUSING PROJECT FUNDING PROGRAMS

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10 **SECTION 1.** Section 2 of this 2026 Act is added to and made a part of ORS 307.213 to
11 307.237.

12 **SECTION 2.** (1) As used in ORS 307.213 to 307.237, "eligible housing project" means a
13 project to construct housing, or to convert a building from a nonresidential use to housing,
14 that is:

15 (a) Affordable to households with low income or moderate income as those terms are
16 defined in ORS 458.610;

17 (b) If for-sale property, a single-family dwelling, middle housing as defined in ORS
18 197A.420 or a multifamily dwelling that is affordable as described in paragraph (a) of this

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

1 subsection for a period determined in accordance with subsection (2) of this section; or

2 (c) If rental property:

3 (A)(i) Middle housing as defined in ORS 197A.420;

4 (ii) A multifamily dwelling;

5 (iii) An accessory dwelling unit as defined in ORS 215.501; or

6 (iv) Any other form of affordable housing or moderate income housing; and

7 (B) Rented at a monthly rate that is affordable to households with an annual income not
8 greater than 120 percent of the area median income, such affordability to be maintained for
9 a period determined in accordance with subsection (2) of this section.

10 (2)(a) The affordability of eligible housing project property shall be maintained for at least
11 as long as the agency loan related to the property remains outstanding.

12 (b) Notwithstanding paragraph (a) of this subsection, the Housing and Community Ser-
13 vices Department may establish terms and conditions by which the affordability restrictions
14 may be terminated upon foreclosure of the property by a permitted mortgage lender.

15 **SECTION 3.** ORS 307.213 is amended to read:

16 307.213. As used in ORS 307.213 to 307.237:

17 (1) "Agency loan" means a loan made by the Housing and Community Services Department
18 pursuant to a program adopted under ORS 307.221.

19 (2) "Assessor," "tax collector" and "treasurer" mean the individual filling that county office so
20 named or any county officer performing the functions of the office under another name.

21 (3) "County tax officers" and "tax officers" mean the assessor, tax collector and treasurer of a
22 county.

23 (4) "Eligible costs" means the following costs associated with an eligible housing project:

24 (a) Infrastructure costs, including, but not limited to, system development charges;

25 (b) Predevelopment costs;

26 (c) Construction costs; and

27 (d) Land write-downs.

28 (5) "Eligible housing project" **has the meaning given that term in section 2 of this 2026 Act.**

29 *[means a project to construct housing, or to convert a building from a nonresidential use to housing,*
30 *that is:]*

31 *[(a) Affordable to households with low income or moderate income as those terms are defined in*
32 *ORS 458.610;]*

33 *[(b) If for-sale property, a single-family dwelling, middle housing as defined in ORS 197A.420 or*
34 *a multifamily dwelling that is affordable as described in paragraph (a) of this subsection continuously*
35 *from initial sale for a period, to be established by the Housing and Community Services Department*
36 *and the sponsoring jurisdiction, of not less than the term of the agency loan related to the for-sale*
37 *property; or]*

38 *[(c) If rental property:]*

39 *[(A)(i) Middle housing as defined in ORS 197A.420;]*

40 *[(ii) A multifamily dwelling;]*

41 *[(iii) An accessory dwelling unit as defined in ORS 215.501; or]*

42 *[(iv) Any other form of affordable housing or moderate income housing; and]*

43 *[(B) Rented at a monthly rate that is affordable to households with an annual income not greater*
44 *than 120 percent of the area median income, such affordability to be maintained for a period, to be*
45 *established by the department and the sponsoring jurisdiction, of not less than the term of the agency*

1 *loan related to the rental property.]*

2 (6) "Eligible housing project property" means the taxable real and personal property constitut-
3 ing the improvements of an eligible housing project.

4 (7) "Fee payer" means, for any property tax year, the person responsible for paying ad valorem
5 property taxes on eligible housing project property to which [*a project grant awarded*] **project**
6 **funding** under ORS 307.225 relates.

7 (8) "Fire district taxes" means property taxes levied by fire districts within whose territory all
8 or a portion of eligible housing project property is located.

9 (9) "Nonexempt property" means property other than eligible housing project property in the tax
10 account that includes eligible housing project property.

11 (10) "Nonexempt taxes" means the ad valorem property taxes assessed on nonexempt property.

12 (11) "Project funding" means a project grant or a project loan.

13 (12) "Project funding agreement" means an agreement entered into between a sponsoring juris-
14 diction and a developer under ORS 307.225 for a project grant or a project loan.

15 (13) "Project grant" means a grant awarded by a sponsoring jurisdiction under a project funding
16 program adopted pursuant to ORS 307.214.

17 (14) "Project loan" means a loan made by a sponsoring jurisdiction under a project funding
18 program adopted pursuant to ORS 307.214.

19 (15) "Sponsoring jurisdiction" means:

20 (a)(A) A city with respect to eligible housing projects located within the city boundaries; or

21 (B) A county with respect to eligible housing projects located in urban unincorporated areas of
22 the county; or

23 (b) The governing body of a city or county described in paragraph (a) of this subsection.

24 **SECTION 4.** ORS 307.214 is amended to read:

25 307.214. (1)(a) A sponsoring jurisdiction may adopt by ordinance or resolution a project funding
26 program under which the sponsoring jurisdiction awards project grants and makes project loans to
27 developers for eligible costs.

28 (b) Before adopting the project funding program, the sponsoring jurisdiction shall consult with
29 the governing body of any city or county with territory inside the boundaries of the sponsoring ju-
30 risdiction.

31 (2) The ordinance or resolution shall set forth:

32 (a) The kinds of eligible housing projects for which a developer may seek project funding under
33 the program; and

34 (b) Any eligibility requirements to be imposed on projects and developers in addition to those
35 required under ORS 307.213 to 307.237.

36 (3)(a) A project grant and a project loan:

37 [(a)] (A) [*Shall be in*] **May not exceed** the amount determined under ORS 307.216 (3); [*and*]

38 [(b)] (B) May include reimbursement for eligible costs incurred for up to 12 months preceding
39 the date on which the eligible housing project received local site approval[.];

40 (C) **Shall be secured by an affordable housing covenant, as defined in ORS 456.270, that:**

41 (i) **Is recorded in first position in the real property records of the county in which the**
42 **eligible housing project is located; and**

43 (ii) **Requires the project to remain affordable in accordance with section 2 of this 2026**
44 **Act; and**

45 (D) **May be transferred and assumed, in whole or in part, on terms and conditions es-**

1 **established by the Housing and Community Services Department or the sponsoring jurisdiction,**
2 **by any subsequent purchaser of the eligible housing project property or a portion of the**
3 **property.**

4 **(b) Notwithstanding paragraph (a)(C)(i) of this subsection, if the sponsoring jurisdiction**
5 **has pledged in repayment of the agency loan its full faith and credit and taxing authority and**
6 **an alternative source of revenue acceptable to the department under ORS 307.223, the de-**
7 **partment may establish terms and conditions by which the affordable housing covenant may**
8 **be made subordinate to a primary deed of trust, mortgage or other security instrument se-**
9 **curing financing for the eligible housing project property.**

10 (4)(a) Eligible housing project property [*for which a developer receives a project grant for eligible*
11 *costs*] **that is granted exemption under ORS 307.227** may not be granted any **other** exemption,
12 partial exemption or special assessment of ad valorem property taxes [*other than the exemption*
13 *granted under ORS 307.227*].

14 (b) [*A sponsoring jurisdiction may not award a project grant to a developer under ORS 307.216*
15 *for an*] Eligible housing project **property** that is located in an urban renewal area **may not be**
16 **granted exemption under ORS 307.227.**

17 (5) A sponsoring jurisdiction may amend an ordinance or resolution adopted pursuant to this
18 section at any time. The amendments shall apply only to applications submitted under ORS 307.216
19 on or after the effective date of the ordinance or resolution.

20 **SECTION 5.** ORS 307.216 is amended to read:

21 307.216. (1)(a) A sponsoring jurisdiction that adopts a project funding program pursuant to ORS
22 307.214 shall prescribe an application process, including forms and deadlines, by which a developer
23 may apply for project funding with respect to an eligible housing project.

24 (b) An application for project funding must include, at a minimum:

25 (A) A description of the eligible housing project;

26 (B) A detailed explanation of the affordability of the eligible housing project;

27 (C) An itemized description of the eligible costs for which the project funding is sought;

28 (D) The proposed schedule for completion of the eligible housing project;

29 (E) A project pro forma demonstrating that the project would not be economically feasible but
30 for receipt of the project funding moneys; and

31 (F) Any other information, documentation or attestation that the sponsoring jurisdiction con-
32 sidered necessary or convenient for the application review process.

33 (c)(A) The project pro forma under paragraph (b)(E) of this subsection shall be on a form pro-
34 vided to the sponsoring jurisdiction by the Housing and Community Services Department and made
35 available to [*grant*] **project funding** applicants.

36 (B) The department may enter into an agreement with a third party to develop the project pro
37 forma template.

38 (2)(a) The review of an application under this section shall be completed within 90 days follow-
39 ing the receipt of the application by the sponsoring jurisdiction.

40 (b) Notwithstanding paragraph (a) of this subsection:

41 (A) The sponsoring jurisdiction may in its sole discretion extend the review process beyond 90
42 days if the volume of applications would make timely completion of the review process unlikely.

43 (B) The sponsoring jurisdiction may consult with a developer about the developer's application,
44 and the developer, after the consultation, may amend the application on or before a deadline set by
45 the sponsoring jurisdiction.

1 (3) The sponsoring jurisdiction shall:

2 (a) Review each application;

3 (b) Provide the tax officers of the county in which the eligible housing project property is lo-
4 cated with the estimated real market value and tax lot information of the property;

5 (c) Request that the county tax officers provide to the sponsoring jurisdiction the increment
6 determined under ORS 307.218;

7 (d) Set the term of the agency loan that will fund the project funding award for a period not to
8 exceed the greater of:

9 (A) Ten years following July 1 of the first property tax year for which the completed eligible
10 housing project property is estimated to be taken into account; or

11 (B) If agreed upon by the sponsoring jurisdiction and the department, the period required for the
12 agency loan principal, and fees, if any, to be repaid in full;

13 (e) Set the amount of the project funding that may be awarded to the developer under ORS
14 307.225 (2) by multiplying the increment determined under ORS 307.218 by the term of the agency
15 loan; and

16 (f)(A) Provisionally approve the application as submitted;

17 (B) Provisionally approve the application on terms other than those requested in the application;

18 or

19 (C) Reject the application.

20 (4)(a) The sponsoring jurisdiction shall forward provisionally approved applications to the
21 [*Housing and Community Services*] department.

22 (b) The department shall review the provisionally approved applications for completeness, in-
23 cluding, but not limited to, the completeness of the project pro forma submitted with the application
24 under subsection (1)(b)(E) of this section and the increment computed under ORS 307.218, and notify
25 the sponsoring jurisdiction of its determination.

26 (5)(a) If the department has determined that a provisionally approved application is incomplete,
27 the sponsoring jurisdiction may:

28 (A) Consult with the applicant developer and reconsider the provisionally approved application
29 after the applicant revises it; or

30 (B) Reject the provisionally approved application.

31 (b) If the department has determined that a provisionally approved application is complete, the
32 approval shall be final.

33 (c) The sponsoring jurisdiction shall notify each applicant and the department of the final ap-
34 proval or rejection of an application and the amount of the project funding award.

35 (d) The rejection of an application and the amount of a **project grant award or project loan**
36 may not be appealed, but a developer may reapply for project funding at any time within the appli-
37 cable deadlines of the project funding program for the same or another eligible housing project.

38 (6) Upon request by a sponsoring jurisdiction, the department may assist the sponsoring juris-
39 diction with, or perform on behalf of the sponsoring jurisdiction, any duty required under this sec-
40 tion.

41 **SECTION 6.** ORS 307.221 is amended to read:

42 307.221. (1)(a) The Housing and Community Services Department shall develop a program to
43 make agency loans to sponsoring jurisdictions to fund project grants and project loans awarded
44 under the sponsoring jurisdiction's project funding program adopted pursuant to ORS 307.214.

45 (b) The agency loans shall be interest free for the term set by the sponsoring jurisdiction under

1 ORS 307.216.

2 (2) For each application approved under ORS 307.216 (5)(b), the Housing and Community Ser-
3 vices Department shall:

4 (a) Enter into an agency loan agreement with the sponsoring jurisdiction for a payment in an
5 amount equal to the total of:

6 (A) The agency loan proceeds in an amount equal to the project funding award for the applica-
7 tion set under ORS 307.216 (3); and

8 (B) The administrative costs set forth in subsection (3) of this section; and

9 (b) Pay to the sponsoring jurisdiction the total amount set forth in paragraph (a) of this sub-
10 section out of the Housing Project Revolving Loan Fund established under ORS 307.237.

11 (3) The administrative costs referred to in subsection (2)(a)(B) of this section are:

12 (a) An amount not greater than five percent of the agency loan proceeds to reimburse the
13 sponsoring jurisdiction for the costs of administering the project funding program, other than the
14 costs of tax administration; and

15 (b) An amount equal to one percent of the agency loan proceeds to be transferred to the county
16 in which the sponsoring jurisdiction is situated to reimburse the county for the costs of the tax
17 administration of the project funding program by the county tax officers.

18 (4) The Housing and Community Services Department may:

19 (a) **In order to maximize repayment and compliance with affordability requirements:**

20 (A) **Compromise, adjust or modify agency loans; and**

21 (B) **Adjust, modify, subordinate or release the terms of contracts, agreements or re-**
22 **strictions entered into in connection with agency loans.**

23 (b) Assign any and all agency loan amounts made under this section to the Department of Re-
24 venue for collection as provided in ORS 293.250.

25 (5) The Housing and Community Services Department may:

26 (a) Consult with the Oregon Business Development Department about any of the powers and
27 duties conferred on the Housing and Community Services Department by ORS 307.213 to 307.237;
28 and

29 (b) Adopt any rule it considers necessary or convenient for the administration of ORS 307.213
30 to 307.237 by the Housing and Community Services Department.

31 **SECTION 7.** ORS 307.225 is amended to read:

32 307.225. (1) Upon entering into an agency loan agreement with the Housing and Community
33 Services Department under ORS 307.221, a sponsoring jurisdiction shall offer a project funding
34 agreement to each developer whose application for project funding was approved under ORS 307.216
35 (5)(b).

36 (2) The project funding agreement shall:

37 (a) Include a project grant award or project loan in the amount set under ORS 307.216 (3); and

38 (b) Contain terms that:

39 (A) Are required under ORS 307.213 to 307.237 or the ordinance or resolution adopted by the
40 sponsoring jurisdiction pursuant to ORS 307.214.

41 (B) Do not conflict with ORS 307.213 to 307.237 or the ordinance or resolution adopted by the
42 sponsoring jurisdiction pursuant to ORS 307.214.

43 *[(3) Upon entering into a project funding agreement with a developer, a sponsoring jurisdiction*
44 *shall adopt an ordinance or resolution setting forth the details of the eligible housing project that is*
45 *the subject of the project funding agreement, including but not limited to:]*

1 *[(a) With respect to a project grant or a project loan:]*

2 *[(A) A description of the eligible housing project;]*

3 *[(B) An itemized description of the eligible costs;]*

4 *[(C) The amount and terms of the grant project award or project loan principal; and]*

5 *[(D) A statement declaring that the project funding has been awarded in response to the housing*
6 *needs of communities within the sponsoring jurisdiction; and]*

7 *[(b) With respect to a project grant, written notice that the eligible housing project property is ex-*
8 *empt from property taxation in accordance with ORS 307.227.]*

9 **(3)(a) Except as provided in paragraph (b) of this subsection, upon entering into a project**
10 **funding agreement with a developer, a sponsoring jurisdiction shall adopt an ordinance or**
11 **resolution setting forth the details of the eligible housing project that is the subject of the**
12 **project funding agreement, including but not limited to:**

13 **(A) A description of the eligible housing project;**

14 **(B) A statement indicating whether the eligible housing project property is exempt from**
15 **property taxation under ORS 307.227;**

16 **(C) An itemized description of the eligible costs;**

17 **(D) The amount and terms of the grant project award or project loan principal; and**

18 **(E) A statement declaring that the project funding has been awarded in response to the**
19 **housing needs of communities within the sponsoring jurisdiction.**

20 **(b) A sponsoring jurisdiction is not required to adopt an ordinance or resolution under**
21 **paragraph (a) of this subsection if:**

22 **(A) The ordinance or resolution adopted under ORS 307.214 delegates authority to review**
23 **developer applications under ORS 307.216 to a designated authority;**

24 **(B) The sponsoring jurisdiction has agreed to repay the agency loan in accordance with**
25 **ORS 307.223; and**

26 **(C) The eligible housing project property will not be exempt from property taxation under**
27 **ORS 307.227.**

28 (4) Unless otherwise specified in the project funding agreement, as soon as practicable after the
29 ordinance or resolution required under subsection (3) of this section becomes effective, the spon-
30 soring jurisdiction shall distribute the agency loan proceeds received from the department under
31 ORS 307.221 (2)(a)(A) to the developer as the project grant moneys or project loan principal awarded
32 under this section.

33 (5) The sponsoring jurisdiction shall forward to the tax officers of the county in which the eli-
34 gible housing project is located a copy of the project funding agreement, the ordinance or resolution
35 and any other material the sponsoring jurisdiction considers necessary for the tax officers to per-
36 form their duties under ORS 307.213 to 307.237 or the ordinance or resolution.

37 (6)(a)(A) Upon request, the department may assist *[the]* a sponsoring jurisdiction with, or per-
38 form on behalf of the sponsoring jurisdiction, any duty required under this section.

39 **(B) Upon request, any city or county may assist a sponsoring jurisdiction with, or per-**
40 **form on behalf of the sponsoring jurisdiction, any duty required under this section or ORS**
41 **307.216.**

42 **(b) The department may take any action with respect to a city or county assisting a**
43 **sponsoring jurisdiction under this subsection that it may take with respect to the sponsoring**
44 **jurisdiction itself.**

45 **SECTION 8.** ORS 307.227 is amended to read:

1 307.227. (1) Upon receipt of the copy of a project [*grant*] **funding** agreement and ordinance or
2 resolution from the sponsoring jurisdiction under ORS 307.225 (5) **that grants exemption under**
3 **this section to eligible housing project property**, the assessor of the county in which eligible
4 housing project property is located shall:

5 (a) Exempt the eligible housing project property in accordance with this section;

6 (b) Assess and tax the nonexempt property in the tax account as other similar property is as-
7 sessed and taxed; and

8 (c) Submit a written report to the sponsoring jurisdiction setting forth the assessor's estimate
9 of the amount of:

10 (A) The real market value of the exempt eligible housing project property; and

11 (B) The property taxes on the exempt eligible housing project property that would have been
12 collected if the property were not exempt.

13 (2)(a) The exemption shall first apply to the first property tax year that begins after completion
14 of the eligible housing project to which the [*grant*] **project funding** relates.

15 (b) The eligible housing project property shall be disqualified from the exemption on the earliest
16 of:

17 (A) July 1 of the property tax year immediately succeeding the date on which the fee payment
18 obligation under ORS 307.231 that relates to the eligible housing project, if any, is repaid in full;

19 (B) The date on which the annual fee imposed on the fee payer under ORS 307.231, if any, be-
20 comes delinquent;

21 (C) The date on which foreclosure proceedings are commenced as provided by law for delinquent
22 nonexempt taxes assessed with respect to the tax account that includes the eligible housing project;
23 or

24 (D) The date on which a condition specified in ORS 307.233 (1) occurs.

25 (c) After the eligible housing project property has been disqualified from the exemption under
26 this subsection, the property shall be assessed and taxed as other similar property is assessed and
27 taxed.

28 (3) For each tax year that the eligible housing project property is exempt from taxation, the
29 assessor shall enter a notation on the assessment roll stating:

30 (a) That the property is exempt under this section; and

31 (b) The presumptive number of property tax years for which the exemption is granted, which
32 shall be the term of the agency loan agreement relating to the eligible housing project set under
33 ORS 307.216.

34 **SECTION 9.** ORS 307.229 is amended to read:

35 307.229. (1) Repayment of agency loans made under ORS 307.221 shall begin, in accordance with
36 ORS 307.231, after completion of the eligible housing project funded by the project grant or project
37 loan to which the agency loan relates, or after another date or other circumstances agreed to by
38 the parties to a project funding agreement under ORS 307.223.

39 (2)(a) The sponsoring jurisdiction shall determine the date of completion of an eligible housing
40 project.

41 (b)(A) If an eligible housing project is completed before July 1 of the assessment year, repayment
42 shall begin with the property tax year that begins on July 1 of the assessment year.

43 (B) If an eligible housing project is completed on or after July 1 of the assessment year, repay-
44 ment shall begin with the property tax year that begins on July 1 of the succeeding assessment year.

45 (c) After determining the date of completion under paragraph (a) of this subsection, the spon-

1 soring jurisdiction shall notify the Housing and Community Services Department and the county tax
2 officers of the determination.

3 (3)(a) [A] **An agency loan** shall remain outstanding until repaid in full.

4 (b) **An agency loan may be repaid at any time.**

5 (4) **Upon payment in full of an agency loan, the sponsoring jurisdiction may release or**
6 **modify any affordability restrictions applicable to the eligible housing project property to**
7 **which the agency loan relates.**

8 **SECTION 10.** ORS 307.231 is amended to read:

9 307.231. (1) Unless repayment of the agency loan made under ORS 307.221 has been otherwise
10 provided for under ORS 307.223, the fee payer for eligible housing project property that has been
11 granted exemption under ORS 307.227 shall pay an annual fee for the term that shall be the
12 presumptive number of property tax years for which the property is granted exemption under ORS
13 307.227 (3)(b).

14 (2)(a) The amount of the fee for the first property tax year in which repayment of the agency
15 loan is due under ORS 307.229 (1) shall equal the total of:

16 (A) The portion of the increment determined under ORS 307.218 that is attributable to the eli-
17 gible housing project property to which the fee relates; and

18 (B) The administrative costs described in ORS 307.221 (3) divided by the term **in years** of the
19 project [*grant*] **funding** agreement entered into under ORS 307.225.

20 (b) For each subsequent property tax year, the amount of the fee shall be 103 percent of the
21 amount of the fee for the preceding property tax year.

22 (3)(a) Not later than July 15 of each property tax year during the term of the fee obligation, the
23 sponsoring jurisdiction shall certify to the assessor each fee amount that became due under this
24 section on or after July 16 of the previous property tax year from fee payers with respect to eligible
25 housing projects located in the sponsoring jurisdiction.

26 (b) The assessor shall place each fee amount on the assessment and tax rolls of the county and
27 notify:

28 (A) The sponsoring jurisdiction of each fee amount and the aggregate of all fee amounts imposed
29 with respect to eligible housing project property located in the sponsoring jurisdiction.

30 (B) The Housing and Community Services Department of each fee amount and the aggregate of
31 all fee amounts with respect to all eligible housing project property located in the county.

32 (4)(a) The assessor shall include on the tax statement of each tax account that includes exempt
33 eligible housing project property the amount of the fee imposed on the fee payer with respect to the
34 eligible housing project property.

35 (b) The fee shall be collected and enforced in the same manner as ad valorem property taxes,
36 including nonexempt taxes, are collected and enforced.

37 (5)(a) For each property tax year in which a fee is payable under this section, the treasurer
38 shall:

39 (A) Estimate the amount of operating taxes as defined in ORS 310.055 and local option taxes as
40 defined in ORS 310.202 levied by fire districts that would have been collected on eligible housing
41 project property if the property were not exempt;

42 (B) Distribute out of the fee moneys the estimated amounts determined under subparagraph (A)
43 of this paragraph to the respective fire districts when other ad valorem property taxes are distrib-
44 uted under ORS 311.395; and

45 (C) Transfer the net fee moneys to the [*Housing and Community Services*] department for deposit

1 in the Housing Project Revolving Loan Fund established under ORS 307.237 in repayment of the
2 loans to which the fees relate.

3 (b) Nonexempt taxes shall be distributed in the same manner as other ad valorem property taxes
4 are distributed.

5 (6) Any person with an interest in the eligible housing project property on the date on which
6 any fee amount becomes due shall be jointly and severally liable for payment of the fee amount.

7 (7) Any agency loan amounts that have not been repaid when the fee payer has discharged its
8 obligations in full under this section remain the obligation of the sponsoring jurisdiction that ob-
9 tained the agency loan from the department under ORS 307.221.

10 (8) Any fee amounts collected in excess of the agency loan amount shall be distributed in the
11 same manner as other ad valorem property taxes are distributed.

12 **SECTION 11.** ORS 307.233 is amended to read:

13 307.233. (1)(a) A developer that received a project [*grant*] **funding** award under ORS 307.225
14 shall become liable for immediate payment of outstanding annual fee payments, if any, imposed un-
15 der ORS 307.231 for the entire term of the fee if:

16 (A) The developer has not completed the eligible housing project within three years following
17 the date on which the project [*grant*] **funding** moneys were distributed to the developer;

18 (B) The eligible housing project changes substantially from the project for which the developer's
19 application was approved such that the project would not have been eligible for the project [*grant*]
20 **funding**; or

21 (C) The developer has not complied with a requirement specified in the project [*grant*] **funding**
22 agreement **or with associated affordability requirements and restrictions.**

23 (b) The sponsoring jurisdiction may, in its sole discretion, extend the date on which the eligible
24 housing project must be completed.

25 [*If the sponsoring jurisdiction discovers that a developer willfully made a false statement or*
26 *misrepresentation or willfully failed to report a material fact to obtain a project grant with respect to*
27 *an eligible housing project, the sponsoring jurisdiction may impose on the developer a penalty not to*
28 *exceed 20 percent of the amount of the project grant so obtained, plus any applicable interest and fees*
29 *associated with the costs of collection.]*

30 **(2) A sponsoring jurisdiction may impose on a developer, homeowner or other project**
31 **representative a penalty not to exceed 20 percent of the amount of the project funding ob-**
32 **tained with respect to an eligible housing project, plus any applicable interest and fees as-**
33 **sociated with the costs of collection, upon discovery that the developer, homeowner or other**
34 **project representative willfully made a false statement or misrepresentation or willfully**
35 **failed to report a material fact:**

36 **(a) To obtain the project funding; or**

37 **(b) Relating to the compliance requirements associated with the eligible housing project.**

38 (3) Any amounts imposed under subsection (1) or (2) of this section shall be a lien on the eligible
39 housing project property and the nonexempt property in the tax account.

40 (4) The sponsoring jurisdiction shall provide written notice of any amounts that become due
41 under subsections (1) and (2) of this section to the county tax officers and the Housing and Com-
42 munity Services Department.

43 (5)(a) Any and all amounts required to be paid under this section shall be considered to be liq-
44 uidated and delinquent, and the Housing and Community Services Department shall assign such
45 amounts to the Department of Revenue for collection as provided in ORS 293.250.

1 (b) Amounts collected under this subsection shall be deposited, net of any collection charges, in
2 the Housing Project Revolving Loan Fund established under ORS 307.237.

3
4 **COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS**

5
6 **SECTION 12.** ORS 458.352 is amended to read:

7 458.352. (1) As used in this section:

8 (a) "Average income" means an income that complies with income restrictions determined at the
9 advice and consent of the Oregon Housing Stability Council, but not to exceed the greater of 100
10 percent of the statewide or local area median income adjusted for household size as determined
11 annually by the Housing and Community Services Department using United States Department of
12 Housing and Urban Development information.

13 (b) "Manufactured dwelling park" has the meaning given that term in ORS 446.003.

14 (c) "Nonprofit corporation" means a corporation that is exempt from income taxes under section
15 501(c)(3) or (4) of the Internal Revenue Code as amended and in effect on December 31, 2016.

16 (2) The Housing and Community Services Department shall provide one or more loans to
17 nonprofit corporations to create manufactured dwelling park preservation and development pro-
18 grams that invest in, and provide loans for, the preservation, development and expansion of afford-
19 able manufactured dwelling parks in this state, including through:

20 (a) The repair or reconstruction of parks destroyed by natural disasters; or

21 (b) The acquisition and development of land for parks or for the expansion of parks in areas that
22 have been affected by a natural disaster.

23 (3) To be eligible for a loan under this section, a nonprofit corporation shall demonstrate to the
24 satisfaction of the department that the nonprofit corporation:

25 (a) Is a community development financial institution, **or was certified on October 1, 2025, as**
26 **a community development financial institution by the Community Development Financial**
27 **Institutions Fund at the United States Department of the Treasury;**

28 **(b) Is** operating statewide to support investment in, and acquisition, renovation and con-
29 struction of, affordable housing;

30 ~~[(b)]~~ (c) Has the ability and capacity to provide the services and reporting required of the pro-
31 gram described in subsections (4) and (6) of this section; and

32 ~~[(c)]~~ (d) Meets other requirements established by the department regarding financial risk and
33 availability or accessibility of additional resources.

34 (4) An eligible nonprofit corporation, with input from the department, shall develop a manufac-
35 tured dwelling park development and preservation program that:

36 (a) Invests in, and loans funds to, other nonprofit corporations, housing authorities, manufac-
37 tured dwelling park nonprofit cooperatives as defined in ORS 62.803, local units of government as
38 defined in ORS 466.706, agencies as defined in ORS 183.310, or any entity in which a nonprofit cor-
39 poration has a controlling share, to:

40 (A) Purchase or refinance manufactured dwelling parks that will maintain the parks as parks
41 long term; or

42 (B) Construct, develop, expand, repair or reconstruct parks, including parks destroyed by na-
43 tural disasters;

44 (b) Emphasizes, when providing loans under paragraph (a) of this subsection, the financing of
45 parks whose residents are predominantly members of households with income less than average in-

1 come; and

2 (c) Preserves the affordability of the park space rent to park tenants who are members of
3 households with income less than average income.

4 (5) An eligible nonprofit corporation shall create a park development and preservation account
5 to be used by the nonprofit corporation for the manufactured dwelling park preservation program
6 and shall deposit the moneys loaned by the department into the account.

7 (6) An eligible nonprofit corporation shall ensure that all financial activities of the program are
8 paid from and into the park development and preservation account created under subsection (5) of
9 this section. Each nonprofit corporation shall report to the department no less than semiannually,
10 showing the expenses and incomes of the park development and preservation account and the results
11 of the manufactured dwelling park development and preservation program.

12 (7) A loan made by the department under this section:

13 (a) May require the nonprofit corporation to pay interest.

14 (b) May not require the nonprofit corporation to make any loan payments before the maturity
15 date of the loan.

16 (c) Must have a maturity date of no later than September 15, 2036.

17 (d) May have its maturity date extended by the department.

18 (e) Shall have all or part of the unpaid balance forgiven by the department in an amount not to
19 exceed the losses incurred on investments or loans made by the nonprofit corporation under sub-
20 section (4)(a) of this section.

21 (f) May include such agreements by the nonprofit corporation practical to secure the loan made
22 by the department and to accomplish the purposes of the program described in subsection (4) of this
23 section.

24 (8) The department or the State Treasurer shall deposit moneys received in servicing the loan
25 into the General Housing Account of the Oregon Housing Fund created under ORS 458.620.

26 **SECTION 13. The Housing and Community Services Department, Oregon Department of**
27 **Administrative Services or Department of Justice shall amend the grant agreement with**
28 **Network for Oregon Affordable Housing (NOAH) made under section 51, chapter 13, Oregon**
29 **Laws 2023, to allow the grant and proceeds from the grant to be used for financing:**

30 (1) **Housing projects that will:**

31 (a) **Have an affordability term of no less than five years, notwithstanding section 51**
32 **(2)(a), chapter 13, Oregon Laws 2023.**

33 (b) **Be sold or rented as the primary residence for a household with an income less than**
34 **or equal to 120 percent and greater than 60 percent of the area median income, as defined**
35 **in ORS 456.270, notwithstanding section 51 (2)(b), chapter 13, Oregon Laws 2023.**

36 (2) **Not to exceed \$1,000,000 per eligible project, notwithstanding section 51 (3)(a), chapter**
37 **13, Oregon Laws 2023.**

38 **NOTE:** Section 14 was deleted by amendment. Subsequent sections were not renumbered.

39
40 **LAND CONSERVATION AND DEVELOPMENT**
41 **COMMISSION ORDERS**

42
43 **SECTION 15.** ORS 197.320 is amended to read:

44 197.320. The Land Conservation and Development Commission shall issue an order requiring a
45 local government, state agency or special district to take action necessary to bring its comprehen-

1 sive plan, land use regulation, limited land use decisions or other land use decisions or actions into
2 compliance with the goals, acknowledged comprehensive plan provisions, land use regulations,
3 housing production strategy or housing acceleration agreements if the commission has good cause
4 to believe:

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

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

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

13 (4) A state agency is not making satisfactory progress in carrying out its coordination agree-
14 ment or the requirements of ORS 197.180.

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

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

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

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

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

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

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

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

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

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

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

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

43 (d) Has materially breached a term of a housing acceleration agreement under ORS 197A.130 (8),
44 including a failure to meet the timeline for performance under ORS 197A.130 (8)(a)(A).

45

BUILDING PLAN REVIEW

SECTION 16. ORS 455.628 is amended to read:

455.628. (1) The Department of Consumer and Business Services or a municipality administering and enforcing a building inspection program under ORS 455.148 or 455.150 may not require a plan review for one and two family dwellings [*that are of conventional light frame construction, as defined by the department by rule*], if:

(a) The plans for the dwelling are designed and stamped by a professional engineer registered under ORS 672.002 to 672.325 or an architect registered under ORS 671.010 to 671.220; and

(b) The engineer or architect is certified by the Director of the Department of Consumer and Business Services under ORS 455.720 as being qualified to examine one and two family dwelling plans.

(2) The department or municipality is exempt from liability for any damages arising from the nonperformance of a plan review pursuant to this section.

REVIEW OF HOUSING APPLICATIONS

SECTION 17. ORS 197A.400 is amended to read:

197A.400. (1)(a) Except as provided in subsection (3) of this section, a local government may adopt and apply only clear and objective standards, conditions and procedures regulating:

(A) The development of housing; and

(B) Tree removal [*codes*] related to the development of housing.

(b) The standards, conditions and procedures:

(A) May include, but are not limited to, one or more provisions regulating the density or height of a development.

(B) May not have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay.

(C) May be contained in a comprehensive plan, land use regulation or an ordinance relating to housing adopted by a city that adopts, including by reference, a model ordinance adopted by the Land Conservation and Development Commission that comports with any qualifications, conditions or applicability of the model ordinance.

(c) This subsection applies only within:

(A) An urban growth boundary;

(B) An unincorporated community designated in a county's acknowledged comprehensive plan after December 5, 1994;

(C) Nonresource land; or

(D) An area zoned for rural residential use as defined in ORS 215.501.

(2) The provisions of subsection (1) of this section do not apply to:

(a) An application or permit for residential development in an area identified in a formally adopted central city plan, or a regional center as defined by Metro, in a city with a population of 500,000 or greater.

(b) An application or permit for residential development in historic areas designated for protection under a land use planning goal protecting historic areas.

(3) In addition to an approval process for needed housing based on clear and objective standards, conditions and procedures as provided in subsection (1) of this section, a local government may

1 adopt and apply an alternative approval process for applications and permits for residential devel-
2 opment based on approval criteria that are not clear and objective if:

3 (a) The applicant retains the option of proceeding under the approval process that meets the
4 requirements of subsection (1) of this section;

5 (b) The approval criteria for the alternative approval process comply with applicable statewide
6 land use planning goals and rules; and

7 (c) The approval criteria for the alternative approval process authorize a density at or above
8 the density level authorized in the zone under the approval process provided in subsection (1) of this
9 section.

10 (4) Subject to [subsection (1)] **subsections (1) and (5)** of this section, this section does not in-
11 fringe on a local government's prerogative to:

12 (a) Set approval standards under which a particular housing type is permitted outright;

13 (b) Impose special conditions upon approval of a specific development proposal; or

14 (c) Establish approval procedures.

15 **(5) For applications subject to subsection (1) of this section, the local government:**

16 **(a) May provide notice of the application only to owners of record of property on the**
17 **most recent property tax assessment roll where such property is located within 100 feet, or**
18 **within 500 feet for developments of 20 units or more, of the property that is the subject of**
19 **the notice;**

20 **(b) May not require a public hearing prior to making a decision on the application; and**

21 **(c) May provide an opportunity for a local appeal only to the applicant.**

22 **(6) Notwithstanding ORS 197.825, only the applicant may appeal a decision made under**
23 **subsection (5) of this section to the Land Use Board of Appeals.**

24 **SECTION 18. The amendments to ORS 197A.400 by section 17 of this 2026 Act become**
25 **operative on July 1, 2026.**

26 **NOTE:** Section 19 was deleted by amendment. Subsequent sections were not renumbered.

27
28 **RESIDENTIAL TENANCIES IMPACTED BY DISASTERS**

29
30 **SECTION 20. Section 21 of this 2026 Act is added to and made a part of ORS 90.100 to**
31 **90.465.**

32 **SECTION 21. If a tenancy is affected by a natural disaster, as defined in ORS 197A.440,**
33 **unless the parties agree otherwise following the natural disaster:**

34 **(1) For a dwelling unit that is destroyed, the tenancy is immediately terminated and the**
35 **parties are not further obligated under the rental agreement or this chapter, except that:**

36 **(a) The landlord shall, pursuant to ORS 90.300, return to the tenant any deposit and**
37 **prepaid rent, including prorated rent from the date of the natural disaster.**

38 **(b) Unless a tenant is responsible for the natural disaster, the tenant is not responsible**
39 **for cleanup of the premises.**

40 **(c) After the abatement of the emergency, the landlord shall notify the tenant and pro-**
41 **vide the tenant an opportunity to return to the premises to search for valuables. The land-**
42 **lord may require the tenant to sign a release of liability related to the tenant's presence at**
43 **the premises.**

44 **(2) If an occupant or tenant remains in the dwelling unit following termination of the**
45 **tenancy under subsection (1) of this section, the landlord may issue a termination notice in**

1 the manner provided by ORS 90.380 (5)(b).

2 (3) A tenant does not owe rent while the dwelling unit is inaccessible due to the natural
3 disaster or the destruction of the dwelling unit. A dwelling unit is considered inaccessible
4 while a governmental agency has posted the dwelling unit as unsafe or unlawful to occupy.

5 (4) This section does not apply to rental agreements subject to ORS 90.505 to 90.850.

6
7 **USE OF STATE PROPERTY FOR HOUSING**

8
9 **SECTION 22.** ORS 270.010 is amended to read:

10 270.010. *[(1) It shall be]* **It is** the policy of the State of Oregon to hold in state ownership no
11 more state-owned real property than is necessary to conduct official business, with allowance for
12 reasonably foreseeable demands of the future. The acquisition, sale, exchange, lease, retention and
13 management of state-owned real property shall be subject to a statewide plan that will encourage
14 the transfer through sale or lease of state-owned real property already in state ownership to private
15 ownership and use so as to minimize state investment in such land and place such land on the tax
16 rolls.

17 *[(2) In transferring state-owned real property through sale or lease, to the extent consistent with*
18 *applicable trust responsibilities, the state policy shall be to give right of first refusal to purchase in the*
19 *following order:]*

20 *[(a) To the lessee of the land.]*

21 *[(b) Where the intended activity or use is similar to that of adjacent properties within the region:]*

22 *[(A) To adjacent landowners.]*

23 *[(B) To residents within the region.]*

24 *[(C) To persons outside the region.]*

25 **SECTION 23.** ORS 270.100 is amended to read:

26 270.100. (1)*[(a)]* Before offering for sale any real property or equitable interest in real property
27 that the state owns, the state agency acting for the state in the sales transaction shall report to the
28 Oregon Department of Administrative Services that the state agency intends to sell or transfer the
29 real property or the equitable interest. The department, or an agency the department specifically
30 designates, shall notify other state agencies authorized to own real property of the intended sale or
31 transfer to determine whether acquiring the real property or interest in the real property would be
32 advantageous to another state agency.

33 *[(b)(A)]* **(2) To the extent consistent with applicable trust responsibilities,** the department
34 shall give the *[first opportunity after other state agencies]* **opportunity** to acquire, purchase, exchange
35 or lease real property or an interest in real property that the State of Oregon disposes of or sells
36 **to the following, in order of priority:**

37 **(a) Other state agencies.**

38 **(b) Any lessee of the land.**

39 *[(i)]* **(c) The following entities, in order of priority,** on the condition that the entities will de-
40 velop housing on the real property *[that will be occupied by families and individuals with an income*
41 *no greater than 80 percent of the median family income for the county in which the real property is*
42 *located]* **only for households whose income is not greater than 120 percent of the area median**
43 **income:**

44 *[(I) Nonprofit organizations; and]*

45 *[(II)]* **(A) Indian tribes, as defined in ORS 97.740[; and].**

1 [(ii)] **(B)** Political subdivisions, as defined in ORS 271.005.

2 **(C) Nonprofit organizations or housing authorities as defined in ORS 456.005.**

3 **(D) Any person.**

4 **(d) The adjacent property owner, where the intended activity or use is similar to that of**
5 **adjacent properties within the region.**

6 **(e) Political subdivisions, as defined in ORS 271.005.**

7 [(B) *The state agency responsible for selling or transferring the property or the equitable interest*
8 *may require at the time of*] **Upon** the sale or transfer, **the department may require** that a political
9 subdivision *[must]*:

10 **(A)** Use *[state real property or an equitable interest in real property sold or transferred to the*
11 *political subdivision]* **the real property** for a public purpose or benefit[, *and that the political sub-*
12 *division]*.

13 **(B)** May not resell the real property or the equitable interest to a private purchaser.

14 **(f) The entities listed under paragraph (c) of this subsection, in order of priority, on the**
15 **condition that the entities will develop housing on the real property without regard to the**
16 **affordability of the housing.**

17 [(c)] **(3)** If a state agency that intends to sell or transfer real property or an equitable interest
18 in real property has not disposed of the real property or the equitable interest under *[paragraph (a)*
19 *or (b) of this]* subsection **(2)(a) or (b) of this section**, the state agency shall cause the real property
20 to be appraised by one or more competent and experienced appraisers in accordance with rules the
21 department adopts. Except as provided in ORS 273.825, if the property has an appraised value ex-
22 ceeding \$5,000, the property or an equitable interest in the property may not be sold to any private
23 person except after notice calling for such proposals as set forth in ORS 270.130.

24 [(d)] **(4)** The department shall adopt rules to carry out the provisions of this section.

25 [(2)] **(5)** Before a state agency acquires any real property or interest in real property, except for
26 highway right of way that the Department of Transportation acquires, park properties that the State
27 Parks and Recreation Department acquires and property within the approved projected campus
28 boundaries for public universities listed in ORS 352.002, the state agency shall report to the Oregon
29 Department of Administrative Services that the state agency intends to acquire the real property
30 or the interest in real property. The department shall notify other state agencies that own land that
31 the state agency intends to acquire real property or an interest in real property to determine
32 whether another state agency desires to sell or transfer property that would meet the needs of the
33 acquiring agency. In accordance with rules the Oregon Department of Administrative Services
34 adopts, if no other state agency desires to sell or transfer property that would meet the needs of the
35 agency that intends to acquire real property or an interest in real property, the agency may acquire
36 the real property or interest in real property, consistent with applicable provisions of law.

37 [(3)] **(6)** Before any terminal disposition of real property or an interest in real property, the state
38 agency acting for the state in the transaction must secure approval of the transaction from the
39 Oregon Department of Administrative Services.

40 [(4)] **(7)** Subsection [(3)] **(6)** of this section does not apply to terminal disposition of the following
41 real property:

42 (a) Property that the State Department of Fish and Wildlife controls;

43 (b) State forestlands that the State Forestry Department controls;

44 (c) Property that the Department of Transportation controls;

45 (d) Property that the Department of State Lands controls;

- 1 (e) Property that public universities listed in ORS 352.002 control;
- 2 (f) Property that the legislative branch of state government controls;
- 3 (g) Property that the judicial branch of state government controls; and
- 4 (h) Property that the State Parks and Recreation Department controls.

5 [(5)] (8) Notwithstanding the provisions of subsection [(4)] (7) of this section, prior approval by
6 the Oregon Department of Administrative Services is required for the terminal disposition of public
7 land for less than the fair market value of the public land.

8 [(6)] (9) The provisions of ORS 184.634, 270.005 to 270.015, 270.100 to 270.190, 273.416, 273.426
9 to 273.436, 273.551 and 308A.709 (1)(a) to (d) do not apply to:

10 (a) A home or farm that the Department of Veterans' Affairs acquires or sells under ORS 88.720,
11 406.050, 407.135, 407.145, 407.375 or 407.377.

12 (b) Real property that the Housing and Community Services Department acquires or sells under
13 the provisions of ORS 456.515 to 456.828 or ORS chapter 458.

14 (c) Real property that the Oregon Health Authority or the Department of Human Services ac-
15 quires or sells under ORS 410.075 or 416.340.

16 **SECTION 24.** ORS 270.030 is amended to read:

17 270.030. (1) Notwithstanding ORS [270.010 (2) or] 270.100 to 270.190, a state agency may transfer,
18 convey, donate, exchange or lease to an eligible Indian tribe, as defined in ORS 307.181, any real
19 property or interest in real property owned by the agency at such price and on such terms as the
20 agency may determine.

21 (2) Notwithstanding ORS 273.775 to 273.790, an agency disposing of real property or interest in
22 real property under this section also may convey the mineral and geothermal resource rights in the
23 real property to the Indian tribe.

24
25 **TECHNICAL FIXES**

26
27 **SECTION 25.** ORS 92.031 is amended to read:

28 92.031. (1) As used in this section, "middle housing land division" means a partition or subdivi-
29 sion of a lot or parcel on which the development of middle housing is allowed under ORS 197A.420
30 (2) or (3) or 197A.421.

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

33 (a) Separate utilities, other than water or wastewater, for each dwelling unit;

34 (b) A proposal for development of middle housing that is in compliance or must comply with the
35 Oregon residential specialty code and land use regulations under ORS 197A.420 (5) that are appli-
36 cable to the original lot or parcel and which may consist of:

37 (A) A single duplex, triplex, quadplex, cottage cluster or structure containing townhouses;

38 (B) Additional units as allowed by ORS 197A.421 (3); and

39 (C) Retained or rehabilitated existing units allowed under ORS 197A.420 (4), if any;

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

41 (A) Locating, accessing, replacing and servicing all utilities;

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

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

44 (D) Any dedicated driveways or parking; and

45 (E) Any dedicated common area;

1 (d) Exactly one dwelling unit on each resulting lot or parcel, except for:

2 (A) Lots, parcels or tracts used as common areas; or

3 (B) Lots or parcels with a detached single-unit dwelling and accessory dwelling unit or a duplex
4 as allowed under ORS 197A.420 (4); and

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

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

11 (a) Subject to subsection (6) of this section, prohibit the further division of the resulting lots or
12 parcels.

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

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

16 (a) Shall apply the procedures applicable to an expedited land division under ORS 197A.140, if
17 requested by the applicant and without regard to the criteria in ORS 197A.142 (1).

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

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

23 (d) May not subject the application to procedures, ordinances or regulations adopted under ORS
24 92.044 or 92.046 that are inconsistent with this section or, only if requested by the applicant, ORS
25 197A.140.

26 (e) Shall allow the submission of an application for a tentative plan for a middle housing land
27 division before, after or at the same time as the submission of an application for building permits
28 for the middle housing.

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

31 (g) May require separate water and wastewater utilities for each dwelling unit.

32 (h) Shall allow any existing units allowed under ORS 197A.420 (4) to be considered a single
33 middle housing unit and allow for the unit to be allocated its own lot or parcel by the division.

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

36 (6) Notwithstanding ORS 197A.425 (1) and subsection (4)(d) and (e) of this section, a city or
37 county may prohibit or add approval criteria to the allowance of a new accessory dwelling unit on,
38 or a subsequent middle housing land division of, a lot or parcel resulting from a middle housing land
39 division:

40 (a) To the extent allowed under this section and ORS 197A.420; and

41 (b) Provided that the middle housing land division lots or parcels may be used to create housing
42 that is at or above the minimum density for the zoning of the land.

43 (7) Notwithstanding any other provision of ORS 92.010 to 92.192, within the same calendar year
44 as an original partition that was not a middle housing land division, a city or county may allow one
45 or more of the resulting vacant parcels to be further partitioned into not more than three parcels

1 through a middle housing land division.

2 (8) The tentative approval of a middle housing land division is void if and only if a final subdivi-
3 sion or partition plat is not approved within:

4 (a) Three years [of] following the tentative approval; or

5 (b) **A period equal to that allowed by the city or county for the plat or plan that is sub-**
6 **mitted concurrently with the division as described in ORS 92.044.**

7 (9) Nothing in this section prohibits a city or county from requiring a final plat before issuing
8 building permits.

9 **SECTION 26.** ORS 197A.140 is amended to read:

10 197A.140. Notwithstanding any other requirement applicable to a land use decision under ORS
11 chapter 197 or 197A, for an application that is reviewed as an expedited land division based on the
12 request of the applicant:

13 (1) A decision is not subject to the requirements of ORS 197.797.

14 (2) A local government:

15 (a) Shall make a decision to approve or deny the application within 63 days of receiving a
16 completed application as described in ORS [215.246] **215.427** or 227.178, based on whether the ap-
17 plication satisfies the substantive requirements of the applicable land use regulations. An approval
18 may include conditions to ensure that the application meets the applicable land use regulations.

19 (b) May not hold a hearing on the application or allow any third party to intervene to oppose
20 the application.

21 (c) Shall issue a written determination of compliance or noncompliance with applicable land use
22 regulations that includes a summary statement explaining the determination. The summary state-
23 ment may be in any form reasonably intended to communicate the local government's basis for the
24 determination. The determination must include an explanation of the applicant's right to appeal the
25 determination under ORS 197.830 to 197.855.

26 (d) Shall provide notice of the decision to the applicant but may not require that notice be given
27 to any other person.

28 (e) May assess an application fee calculated to recover the estimated full cost of processing an
29 application based on the estimated average cost of such applications. Within one year of establishing
30 a fee under this section, the city or county shall review and revise the fee, if necessary, to reflect
31 actual experience in processing expedited land decisions.

32 (3) Only the applicant may appeal an expedited land division made under this section.

33 **SECTION 27.** Section 22, chapter 476, Oregon Laws 2025, is amended to read:

34 **Sec. 22.** (1) On or before January 1, 2028, the Land Conservation and Development Commission
35 shall adopt rules that must include:

36 (a) Prohibiting or restricting siting and design standards that prevent or discourage, or have the
37 effect of preventing or discouraging, the siting of middle housing that is manufactured, site-built or
38 prefabricated;

39 (b) Establishing parameters on unreasonable cost or delay for siting and design standards for
40 accessory dwelling units and single room occupancies under standards allowed under ORS 197A.425
41 and 197A.430;

42 (c) Regulating cottage clusters for the purposes of incentivizing the provision of smaller, less
43 expensive housing, shared community amenities and other public benefits and including regulations
44 that implement the term "small footprint or floor area" as used within the definition of cottage
45 clusters in ORS 197A.420;

1 (d) Amending siting and design parameters for middle housing types;

2 (e) Amending permissible discretionary criteria applied by local government in evaluating
3 housing under ORS 197A.400 (3);

4 (f) Developing model system development charges for residential development types for optional
5 adoption or incorporation by local governments; and

6 (g) Establishing procedures to estimate the reasonable zoned housing capacity of an area as part
7 of an inventory of buildable lands or housing capacity under ORS 197A.270, 197A.280 and 197A.350.

8 (2) In adopting rules under this section, the commission shall:

9 (a) Emphasize improving the efficiency of the development process with a focus on increasing
10 housing production, availability and affordability, especially that of middle housing, accessory
11 dwelling units and single room occupancies.

12 (b) To the extent practicable, implement recommendations in the reports produced under section
13 5 (1) to (3), chapter 110, Oregon Laws 2024.

14 (c) Implement the principles in ORS 197A.025.

15 (d) Adopt operative and applicable dates for the rules, subject to section 3, chapter 639, Oregon
16 Laws 2019.

17 [(e)] (3) **The Department of Land Conservation and Development shall** provide a report on
18 or before July 1, 2028, to the interim committees of the Legislative Assembly relating to land use,
19 in the manner provided in ORS 192.245, on the feasibility and advisability of providing safe harbor
20 protections for cities that use the commission’s model system development charges under subsection
21 (1)(f) of this section or otherwise incentivizing the use of the models.

22
23 **CAPTIONS**

24
25 **SECTION 28. The unit captions used in this 2026 Act are provided only for the conven-**
26 **ience of the reader and do not become part of the statutory law of this state or express any**
27 **legislative intent in the enactment of this 2026 Act.**

28
29 **EFFECTIVE DATE**

30
31 **SECTION 29. This 2026 Act takes effect on the 91st day after the date on which the 2026**
32 **regular session of the Eighty-third Legislative Assembly adjourns sine die.**

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