

FISCAL IMPACT OF PROPOSED LEGISLATION

Measure: SB 458

81st Oregon Legislative Assembly – 2021 Regular Session
Legislative Fiscal Office

*Only Impacts on Original or Engrossed
Versions are Considered Official*

Prepared by: Haylee Morse-Miller
Reviewed by: Laurie Byerly, Kim To
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Measure Description:

Allows land division to separate dwelling units for new middle housing allowed in cities.

Government Unit(s) Affected:

Cities, Counties, Department of Land Conservation and Development (DLCD)

Summary of Fiscal Impact:

Costs related to the measure are indeterminate at this time - See explanatory analysis.

Analysis:

SB 458 requires cities to allow partitions or subdivisions of lots or parcels on which the development of middle housing was allowed under ORS 197.758 (2) or (3). The sections relate to development of middle housing in cities with a population of 25,000 or more, each county or city within a metropolitan service district, and cities not within a metropolitan service district with a population of more than 10,000 and less than 25,000. Cities may divide the property into the same number of lots as there are dwelling units, notwithstanding requirements for minimum lot or parcel areas or property line setbacks and regulations for approval of plats and partitioning of land. Divisions of land are applicable only for middle housing that has recently been permitted or built. This measure also outlines requirements for cities that receive applications for division of land under this measure.

There is an indeterminate impact for Cities and Counties under this measure. The League of Oregon Cities notes that this measure prevents cities from using existing approval criteria for homes built on newly created lots, such as requiring that these houses comply with existing safety standards. This could lead to a fiscal impact for cities in the long-term. Cities also note that because there are some technical ambiguities in this measure, there could be increased risk of litigation related to land use.

There is minimal impact for the Department of Land Conservation and Development.