

# House Bill 3261

Sponsored by Representative 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 **as introduced**.

Limits local government's restrictions on conversions of certain properties into emergency shelters or affordable housing.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to conversion of properties for living spaces; and declaring an emergency.

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

4 **SECTION 1. Section 2 of this 2021 Act is added to and made a part of ORS chapter 197.**

5 **SECTION 2. (1) Except as provided in this section and notwithstanding and statewide land**  
6 **use planning goals or land use regulations, a local government shall unconditionally allow the**  
7 **conversion of property:**

8 (a) **From use as a hotel or motel, to use as an emergency shelter.**

9 (b) **From use as a hotel or motel, or a hotel or motel that was converted to an emergency**  
10 **shelter under paragraph (a) of this subsection, to use as affordable housing.**

11 (2)(a) **This section applies only on land within an urban growth boundary to areas not**  
12 **designated by the local government as specifically for heavy industrial uses.**

13 (b) **Subsection (1)(b) of this section does not prohibit local governments from imposing**  
14 **requirements applicable to mitigating harms in areas subject to statewide land use planning**  
15 **goals relating to natural disasters or hazards.**

16 (c) **This section does not prohibit a local government from requiring the converted use**  
17 **to comply with applicable building codes, occupancy limits or standards relating to siting or**  
18 **design.**

19 (3)(a) **A conversion under this section is not a land use decision as defined in ORS 197.015.**

20 (b) **A conversion under this section is a lawful use.**

21 (4) **As used in this subsection:**

22 (a) **"Affordable housing" means housing in which all units are affordable to households**  
23 **with incomes equal to or less than 60 percent of the area median income as defined in ORS**  
24 **458.610 and whose affordability is enforceable by an affordable housing covenant, as described**  
25 **in ORS 456.270 to 456.295, for a duration of no less than 30 years.**

26 (b) **"Conversion" includes an alteration to a building that changes the number of units**  
27 **but does not expand the building footprint.**

28 (c) **"Emergency shelter" means a building that provides shelter on a temporary basis for**  
29 **individuals and families who lack permanent housing.**

30 (d) **"Lawful use" includes a nonconforming use as described in ORS 215.130 (6) or any**  
31 **other local land use regulation allowing for the continuation of a use that was lawful when**

**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 **first enacted.**

2 **SECTION 3. Section 2 of this 2021 Act applies to conversions or applications for conver-**  
3 **sions on or after January 1, 2021.**

4 **SECTION 4. This 2021 Act being necessary for the immediate preservation of the public**  
5 **peace, health and safety, an emergency is declared to exist, and this 2021 Act takes effect**  
6 **on its passage.**

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