

# House Bill 4046

Sponsored by Representatives LEWIS, BOSHART DAVIS, Senator SMITH DB; Representatives BOICE, BREESE-IVERSON, CONRAD, CRAMER, DIEHL, ELMER, EVANS, GOODWIN, HELFRICH, HIEB, MANNIX, MCINTIRE, OSBORNE, OWENS, RESCHKE, SCHARF, WALLAN, WRIGHT, Senators ANDERSON, BONHAM, FINDLEY, GIROD, HANSELL, HAYDEN, KNOPP, LINTHICUM, MEEK, WEBER (Presession filed.)

## 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**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: This Act allows rural residents to build an extra house for their families. (Flesch Readability Score: 63.4).

Allows an occupying homeowner outside of an urban growth boundary to site one additional family dwelling unit on the tract of the home.

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

## A BILL FOR AN ACT

1 Relating to housing; and prescribing an effective date.

2 Whereas family farms are an essential part of Oregon's economy and history; and

3 Whereas multigenerational farms are important to ongoing family farms; and

4 Whereas over 84 percent of farms in this state are owned by individuals; and

5 Whereas over 65 percent of the principal operators of farms in this state are over the age of  
6 54; and

7 Whereas over 67 percent of farms in this state are under 50 acres in size; and

8 Whereas only 12 percent of second-generation family farms in this nation are farmed by the  
9 third generation; and

10 Whereas rural residential lands have been used for noncommercial farming; and

11 Whereas rural residential lands have a need for additional housing; and

12 Whereas the Oregon Housing Needs Analysis Recommendations Report recommends that Oregon  
13 "Build what's needed, where it's needed"; and

14 Whereas there is a housing shortage in Oregon; now, therefore,

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

16 **SECTION 1. Section 2 of this 2024 Act is added to and made a part of ORS chapter 215.**

17 **SECTION 2. (1) Notwithstanding any other limitations on the siting of dwellings under  
18 this chapter or under any land use regulation applicable to the tract, the owner of a tract  
19 outside an urban growth boundary may site a family dwelling unit as provided in this section.**

20 **(2) A family dwelling unit allowed under this section must:**

21 **(a) Be a newly constructed single-family dwelling or newly sited manufactured dwelling;**

22 **(b) Be owned by an individual who resides in a single-family dwelling sited on the tract;**

23 **(c) Comply with all applicable laws and regulations relating to sanitation and wastewater  
24 disposal and treatment;**

25 **(d) Comply with the construction provisions of section R327 of the Oregon Residential  
26 Specialty Code if the tract is in an area identified as a high hazard zone on an adopted map  
27**

**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 of wildfire hazard zones described in ORS 477.490;

2 (e) Comply with county land use regulations that ensure that:

3 (A) The new dwelling has adequate setbacks from adjacent lands zoned for resource use;

4 (B) The new dwelling has adequate access for firefighting equipment, safe evacuation and  
5 staged evacuation areas; and

6 (C) If the new dwelling is within a wildland-urban interface on an adopted map of wildfire  
7 hazard zones under ORS 477.027 and 477.490, the dwelling complies with any requirements for  
8 defensible space established by a local government pursuant to ORS 476.392; and

9 (f) Be sited:

10 (A) Not within an urban reserve as defined in ORS 197A.230;

11 (B) On a tract on which no existing dwelling is subject to an order declaring it a nuisance  
12 or any pending action under ORS 105.550 to 105.600; and

13 (C) Not within an area in which new or existing ground water uses under ORS 537.545  
14 (1)(b) or (d) have been restricted by the Water Resources Commission if the water supply  
15 source for the new dwelling or associated lands or gardens will be a water well.

16 (3) If the family dwelling unit will be sited in a high hazard zone under an adopted map  
17 under ORS 477.490, the dwelling must comply with any applicable minimum defensible space  
18 requirements for wildfire risk reduction established by the Department of the State Fire  
19 Marshal under ORS 476.392 and any applicable local requirements for defensible space es-  
20 tablished by a local government pursuant to ORS 476.392.

21 (4) A county may not allow a family dwelling unit established under this section to be  
22 used for:

23 (a) A vacation occupancy, as defined in ORS 90.100, for any person; or

24 (b) Except as provided in subsections (5) and (6) of this section, occupancy by any person  
25 who is not the owner's:

26 (A) Parent;

27 (B) Stepparent or parent's domestic partner, as described in ORS 106.310;

28 (C) Sibling or sibling's spouse or domestic partner;

29 (D) Child or child's spouse or domestic partner;

30 (E) Spouse or domestic partner;

31 (F) Spouse's or domestic partner's child or that child's spouse or domestic partner;

32 (G) Grandchild; or

33 (H) Grandparent.

34 (5) For a period of 18 months following the date that a family member of the owner  
35 moves out of a dwelling established under this section, the owner may use the dwelling for  
36 a residential tenancy for a tenant other than a family member of the owner. Following that  
37 period, the dwelling may not be occupied except by a family member of the owner or as al-  
38 lowed under subsection (4) of this section.

39 (6) Limitations under subsection (2)(b) of this section do not apply to a purchaser of the  
40 tract following the establishment of a dwelling under this section.

41 (7) For a dwelling established under this section, a county may not approve a subdivision,  
42 partition or other division of the tract so that an existing single-family dwelling is situated  
43 on a different tract than the established dwelling.

44 (8) A county may approve the conversion of a family dwelling unit to a permissible non-  
45 residential use.

1        **SECTION 3.** This 2024 Act takes effect on the 91st day after the date on which the 2024  
2 regular session of the Eighty-second Legislative Assembly adjourns sine die.  
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