

## HB 2400 -1 STAFF MEASURE SUMMARY

### House Committee On Housing and Homelessness

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**Meeting Dates:** 2/10

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#### WHAT THE MEASURE DOES:

This measure allows property owners to build a new single-family home or manufactured home on their land outside city growth boundaries, but with certain restrictions. The new home must be occupied by a family member of the property owner. If the family member moves out, the owner is allowed to rent the home to a non-family tenant for up to 18 months. After that period, the home must remain vacant until another family member moves in. Additionally, if the property is sold, the new owner cannot use these rules to justify keeping or building an extra home. The measure also prohibits dividing the land in a way that would separate an existing home from the newly built dwelling.

#### Detailed Summary:

- Allows owners of a lot or parcel outside an urban growth boundary to site a new single-family dwelling or manufactured dwelling, specifies requirements.
- Prohibits counties to approve new a new single-family dwelling or manufactured dwelling unless it is to be occupied by a family member of the lot or parcel owner.
- Allows the owner to use the new dwelling for a residential tenancy for a tenant other than a family member of the owner for 18 months following the date that a family member moves out. Clarifies that following that 18-month period, the dwelling must remain vacant until occupied by a family member of the owner.
- Clarifies that these provisions do not apply to a purchaser of a lot or parcel with a new dwelling that was established under these provisions before the property was listed, offered, or sold.
- Prohibits counties to approve a subdivision, partition or other division of the lot or parcel so that an existing single-family dwelling is situated on a different lot or parcel than the established dwelling.
- Takes effect on 91st day following adjournment sine die.

*Fiscal impact: May have fiscal impact, but no statement yet issued*

*Revenue impact: May have revenue impact, but no statement yet issued*

#### ISSUES DISCUSSED:

#### EFFECT OF AMENDMENT:

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- Prohibits construction on land zoned for exclusive farm use and requires that the lot or parcel be at least 2.5 acres in size.
- Prohibits any portion of the lot or parcel to be within an area in which the Water Resources Commission has restricted new or existing ground water uses if the source of water for the new dwelling is a well.
- Clarifies that if a new well is drilled for water supply, it will not be exempt under Oregon's water use laws.
- Adds a requirement that if a new or existing subsurface sewage or alternative disposal system is used, the owner must obtain a suitability report from the Department of Environmental Quality (DEQ) and follow its recommendations for system design, siting, and maintenance.

#### BACKGROUND:

Under ORS Chapter 215, Oregon's land use laws impose strict regulations on building additional dwellings, especially in areas zoned for exclusive farm use (EFU) or forest use, to preserve agricultural and forest lands.

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*This summary has not been adopted or officially endorsed by action of the committee.*

However, certain provisions allow for additional dwellings under specific conditions:

- Accessory Dwellings for Farmworkers (ORS 215.278): Counties may permit accessory dwellings on EFU-zoned land to provide housing for farmworkers who are primarily engaged in farm use and whose assistance is required by the farm operator. These dwellings must comply with rules set by the Land Conservation and Development Commission.
- Accessory Dwellings Supporting Family Forestry (ORS 215.757): On forest-zoned land, a county may approve a new single-family dwelling if:
  - The lot is at least the minimum size allowed under ORS 215.780.
  - There is exactly one existing single-family dwelling on the lot, lawfully in existence before November 4, 1993, or approved under specific statutes.
  - The new dwelling is within 200 feet of the existing dwelling.
  - The lot is within a rural fire protection district.
  - Both dwellings comply with wildfire hazard mitigation standards.
  - Deed restrictions are recorded to prevent partitioning the property and to require management as a working forest under a written forest management plan.
  - The dwellings are occupied by the owner or a relative to assist in forest management activities.
  - Additionally, neither the new nor existing dwelling may be used for vacation occupancy as defined in ORS 90.100.