

HB 3144 STAFF MEASURE SUMMARY

House Committee On Housing and Homelessness

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Meeting Dates: 3/10, 3/24

WHAT THE MEASURE DOES:

Nullifies certain restrictions in recorded property documents that would allow the construction of single-family homes but prohibit middle housing, accessory dwelling units, manufactured homes, or prefabricated structures (factory-built homes that meet local building codes). Applies to property restrictions recorded after January 1, 2021, for middle housing and accessory dwelling units. Applies to property restrictions recorded after the 2025 law's effective date, for manufactured and prefabricated homes. Prohibits new or amended governing documents from banning or unreasonably restricting the placement of manufactured dwellings, prefabricated structures, including accessory dwelling units, on a lot. Extends program to provide grants to persons to provide legal representation to low-income facility tenants in addressing disputes involving legal matters until January 2, 2031.

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

Revenue impact: No revenue impact

ISSUES DISCUSSED:

- House Bill 4064 (2022) restricted unique placement standards on a manufactured dwelling or prefabricated structure
- Pilot program established by Senate Bill 586 (2019)

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

A recorded instrument affecting real property is a legal document that has been officially filed with the county recorder's office to establish, transfer, or restrict property rights. These documents become part of the public record and are enforceable under real estate law. Some types of recorded instruments affecting real property are deeds (documents transferring ownership of real estate), easements (agreements granting someone the right to use part of a property for a specific purpose), and restrictive covenants (private land-use restrictions written into a deed or subdivision agreement). Governing documents are rules created by homeowner associations (HOAs) or similar entities that set regulations for properties in a community. House Bill 2001 (HB 2001), passed in 2019, aimed at increasing housing supply by ending exclusive single-family zoning in many parts of Oregon. The law was one of the first in the U.S. to require cities to allow "middle housing" in areas previously limited to single-family homes. For example, cities with more than 10,000 residents have to allow at least duplexes in areas zoned for single-family housing, while cities with more than 25,000 residents (and all cities within the Portland Metro area) have to allow triplexes, fourplexes, townhouses, and cottage clusters in areas zoned for single-family housing. The bill also required local governments to change zoning codes to accommodate middle housing options. Cities were also prohibited from adopting regulations that make middle housing development more difficult than single-family homes.

Senate Bill 586 (2019) outlined the role of the Dispute Resolution Advisory Committee (DRAC). The committee advises OHCS on mandatory mediation requirements and grants who provide legal representation to low-income manufactured home park tenants in landlord/tenant disputes that fall under ORS Chapter 90.