

Senate Bill 438

Sponsored by Senator ANDERSON (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 a rural homeowner to build a house for a relative. (Flesch Readability Score: 63.4).

Allows the owner of property outside an urban growth boundary to site an additional dwelling on the property for occupancy by a relative of the owner.

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

A BILL FOR AN ACT

1
2 Relating to family dwelling units; and prescribing an effective date.

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

4 **SECTION 1. Section 2 of this 2025 Act is added to and made a part of ORS chapter 215.**

5 **SECTION 2. (1) Notwithstanding any other limitations on the siting of dwellings under**
6 **this chapter or under any land use regulation applicable to the lot or parcel, the owner of a**
7 **lot or parcel outside an urban growth boundary may site a new single-family dwelling or**
8 **manufactured dwelling, subject to the following requirements:**

9 (a) **The lot or parcel may not be within an area designated as an urban reserve as defined**
10 **in ORS 197A.230.**

11 (b) **The owner must be an individual.**

12 (c) **At least one single-family dwelling must currently exist on the lot or parcel and it**
13 **may not be subject to an order declaring it a nuisance or to any pending action under ORS**
14 **105.550 to 105.600.**

15 (d) **The new dwelling must comply with all applicable laws and regulations relating to**
16 **sanitation and wastewater disposal and treatment.**

17 (e) **If the water supply source for the new dwelling or associated lands or gardens will**
18 **be a well using water under ORS 537.545 (1)(b) or (d), no portion of the lot or parcel may be**
19 **within an area in which the Water Resources Commission has restricted new or existing**
20 **ground water uses under ORS 537.545 (1)(b) or (d).**

21 (f) **If, on the statewide wildfire hazard map adopted under ORS 477.490, the new dwelling**
22 **will be sited:**

23 (A) **Within the wildland-urban interface, the lot or parcel and the new dwelling must**
24 **comply with any applicable minimum defensible space requirements for wildfire risk re-**
25 **duction established by the State Fire Marshal under ORS 476.392 and any applicable local**
26 **requirements for defensible space established by a local government pursuant to ORS 476.392;**

27 (B) **Within a high hazard zone, the new dwelling must comply with the construction**
28 **provisions of section R327 of the Oregon Residential Specialty Code;**

29 (C) **Not within an area described in paragraph (a) or (b) of this subsection, the new**

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 dwelling and the lot or parcel must comply with any applicable local requirements for
2 defensible space established by a local government pursuant to ORS 476.392.

3 (2) A county may not allow a dwelling established under this section to be used for:

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

5 (b) Except as provided in subsections (3) and (4) of this section, occupancy by any person
6 who is not the owner's:

7 (A) Parent;

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

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

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

11 (E) Spouse or domestic partner;

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

13 (G) Grandchild; or

14 (H) Grandparent.

15 (3) For a period of 18 months following the date that a family member of the owner as
16 described in subsection (2)(b) of this section moves out of a dwelling established under this
17 section, the owner may use the new dwelling for a residential tenancy for a tenant other
18 than a family member of the owner. Following that period, the dwelling must remain vacant
19 until occupied by a family member of the owner or as allowed under subsection (4) of this
20 section.

21 (4) Limitations under subsections (2)(b) and (3) of this section do not apply to a purchaser
22 of a lot or parcel with a new dwelling that was established under this section before the
23 property was listed, offered or sold.

24 (5) For a dwelling established under this section, a county may not approve a subdivision,
25 partition or other division of the lot or parcel so that an existing single-family dwelling is
26 situated on a different lot or parcel than the established dwelling.

27 **SECTION 3.** This 2025 Act takes effect on the 91st day after the date on which the 2025
28 regular session of the Eighty-third Legislative Assembly adjourns sine die.

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