

SENATE AMENDMENTS TO SENATE BILL 6

By COMMITTEE ON HOUSING AND DEVELOPMENT

April 15

1 On page 1 of the printed bill, delete lines 14 through 25 and insert:

2 “(2)(a) Notwithstanding any other condition that applies to issuing a building permit in this state
3 for middle housing, as defined in ORS 197A.420, or conventional single-family residential housing in
4 a residential subdivision, as defined in ORS 455.175, with more than six lots, the Department of
5 Consumer and Business Services, a municipality, a building official or any other agency or official
6 responsible for administering and enforcing the state building code shall approve and issue, or dis-
7 approve and deny, any application for a building permit not later than 45 business days after the
8 date on which the applicant submits a complete application. The department, municipality, building
9 official or other agency or official shall publish on a publicly available website associated with
10 building permit applications, and make available at the office in which a person may submit an ap-
11 plication, the criteria the department, municipality, building official or other agency or official uses
12 to determine that an application is complete.

13 “(b) Any other agency or jurisdiction that must review an application for a building permit be-
14 fore the department, a municipality, a building official or other agency or official may approve the
15 application must complete the review within 10 business days after receiving an application for re-
16 view. If an agency or jurisdiction does not complete the review within the 10-day period, the portion
17 of the application that the other agency or jurisdiction was responsible for reviewing is approved.

18 “(c) If the department, a municipality, a building official or any other agency or official re-
19 sponsible for administering and enforcing the state building code does not disapprove or otherwise
20 act on an application for a building permit within the period described in paragraph (a) of this
21 subsection, the building permit is approved and the department, municipality, building official or
22 other agency or official shall issue the building permit to the applicant promptly.

23 “(d) If the department, a municipality, a building official or any other agency or official re-
24 sponsible for administering and enforcing the state building code does not promptly issue a building
25 permit under the circumstances described in paragraph (c) of this subsection, the applicant may
26 bring an action in the Marion County circuit court, if the applicant seeks the building permit from
27 the department, or in a circuit court located in the county in which the applicant seeks the building
28 permit, if the applicant seeks the building permit from a municipality, building official or other
29 agency or official. In the action, the applicant may obtain:

30 “(A) An injunction to direct the department, the municipality, the building official or the other
31 agency or official to issue the building permit as required under paragraph (c) of this subsection;
32 and

33 “(B) The sum of the fee the applicant paid for the application and the actual documented ex-
34 penses the applicant incurred in preparing the application.

35 “(e) The court may award attorney fees and costs to an applicant that prevails in an action

1 described in paragraph (d) of this subsection.”.

2 On page 2, delete lines 1 through 8.

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