

HB 2138-B9
(LC 333)
6/19/25 (RLM/ps)

Requested by JOINT COMMITTEE ON WAYS AND MEANS

**PROPOSED AMENDMENTS TO
B-ENGROSSED HOUSE BILL 2138
(INCLUDING AMENDMENTS TO RESOLVE CONFLICTS)**

On page 9 of the printed B-engrossed bill, after line 2, insert:

“SECTION 7a. If House Bill 3144 becomes law, section 7 of this 2025 Act (amending ORS 93.277) is repealed and ORS 93.277, as amended by section 1, chapter 274, Oregon Laws 2025 (Enrolled House Bill 3144), is amended to read:

“93.277. (1) A provision in a recorded instrument affecting real property is void and unenforceable, as being against the policy of this state of promoting housing availability and affordability and affirmatively furthering fair housing as defined in ORS 197A.100, if, within an urban growth boundary as defined in ORS 197.015, the provision would allow the development of a single-unit dwelling on the real property but would prohibit the development of, or the partitioning or subdividing of lands under ORS 92.031 for:

“(a) Middle housing, as defined in ORS 197A.420; or

“(b) An accessory dwelling unit allowed under ORS 197A.425.

“[(1)] (2) A provision in a recorded instrument affecting real property is not enforceable if the provision would allow the development of a [*single-family*] **single-unit dwelling on the real property but would prohibit the development of[, *or the partitioning or subdividing of lands under ORS 92.031 for*]:**

1 “[*(a) Middle housing, as defined in ORS 197A.420;*]

2 “[*(b) An accessory dwelling unit allowed under ORS 197A.425 (1);*]

3 “[*(c)*] **(a)** A manufactured dwelling, as defined in ORS 446.003; or

4 “[*(d)*] **(b)** A prefabricated structure, as defined in ORS 197A.015.

5 “[**(2)**] **(3) Subsection (2) of** this section applies only [*if the*] **to an**
6 **instrument[:]**

7 “[*(a) Contains a provision described under subsection (1)(a) or (b) of this*
8 *section and was executed on or after January 1, 2021.*]

9 “[*(b) Contains a provision described under subsection (1)(c) or (d) of this*
10 *section and was*] executed on or after [*effective date of this 2025 Act*] **January**
11 **1, 2026.”.**

12 In line 17, delete “94.766” and insert “94.776”.

13 Delete line 21 and insert:

14 **“SECTION 12. The repeal of section 7 of this 2025 Act (amending**
15 **ORS 93.277) by section 7a of this 2025 Act and the amendments to ORS**
16 **93.277 by section 7a of this 2025 Act become operative on January 1,**
17 **2027.”.**

18 On page 48, after line 24, insert:

19 **“SECTION 48a. Notwithstanding section 48 of this 2025 Act**
20 **(amending ORS 476.394), if Senate Bill 83 becomes law, ORS 476.394 is**
21 **repealed by section 1, chapter __, Oregon Laws 2025 (Enrolled Senate**
22 **Bill 83).”.**