

SB 1561 -3, -4, -6 STAFF MEASURE SUMMARY

Senate Committee On Housing and Development

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Meeting Dates: 2/10, 2/12

WHAT THE MEASURE DOES:

The measure requires local governments to approve restoration or replacement of a dwelling which was destroyed in a natural disaster. The measure outlines circumstances under which a dwelling would be eligible for this process and set limits on the size and placement of the replacement dwelling.

Detailed summary:

Requires a local government to approve the application for restoration or replacement of the damaged dwelling under a process that is not a land-use decision, and prohibits the governing body from adding further conditions to the approval except to maintain participation in the National Flood Insurance Program. Prohibits the local government from requiring that notice be given to any nonparty.

Requires that, in order to be eligible for this alternative approval process, the former dwelling must have had:

- an intact exterior wall and a roof
- indoor plumbing, including a kitchen sink, toilet and bathing facilities, all connected to a sanitary waste disposal system,
- wiring for interior lights, and
- a heating system.

Requires that the former dwelling had been appropriately authorized under the current land use system or was assessed for tax purposes as a residential dwelling for at least ten years before the rebuilding application was issued.

Requires that the replacement dwelling not exceed 125 percent of the floor area of the original dwelling, be adequately served by utilities and roads, and be located at least partially within the footprint of the former building. Requires that the replacement dwelling comply with applicable building codes that were in effect on the later of January 1, 2008, or on the date of the former dwelling's construction.

Fiscal impact: Has minimal fiscal impact

Revenue impact: No revenue impact

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-3 The amendment would require that the proposed replacement dwelling comply with all applicable building codes that were in effect on the date that the original dwelling was damaged or destroyed.

-4 The amendment would require that the proposed replacement dwelling comply with all applicable building codes that were in effect on the date that the original dwelling was damaged or destroyed, and specifies timelines for permit applications and commencement of construction on the new dwelling.

Detailed Summary

- Clarifies that the bill applies to dwellings that were damaged or destroyed by a natural or involuntary event

- Requires that the damaged dwelling be removed, demolished, incorporated into the new dwelling, or converted to a nonresidential use within three months after the new dwelling is finished
- Requires that an application to rebuild or replace the damaged dwelling under this process be filed within three years of the destruction of the original dwelling, and
- Requires that construction of the replacement dwelling commence no later than four years after the final application is approved.

-6 The amendment allows a local government to require by ordinance that an applicant give notice to certain parties not involved in the application, and allow time for those parties to give written comment.

BACKGROUND:

Current law provides for alteration, restoration, or replacement of a lawfully established dwelling as a permitted use on lands zoned for exclusive farm use, under certain conditions and provided that the dwelling met certain standards of habitability and was recognized as a dwelling for taxation purposes. The lawful use of any building, structure or land may continue regardless of changes to zoning ordinances or regulations, as long as the use was lawful at the time the use began, all required permits and approvals were received at the time the use commenced, and the use has continued uninterrupted. Approval for the alteration, restoration, or replacement of the dwelling lies with the local jurisdiction, and a decision may be a land use decision subject to appeal to the Land Use Board of Appeals (LUBA).