

SB 1561 A STAFF MEASURE SUMMARY

Carrier: Sen. Weber

Senate Committee On Housing and Development

Action Date: 02/12/26

Action: Do pass with amendments. (Printed A-Eng.)

Vote: 4-1-0-0

Yea: 4 - Jama, Nash, Patterson, Pham

Nays: 1 - Anderson

Fiscal: Has minimal fiscal impact

Revenue: No revenue impact

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Meeting Dates: 2/10, 2/12

WHAT THE MEASURE DOES:

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

Detailed Summary:

Requires a local government to approve the application for restoring or replacing the damaged dwelling under a process that is not a land use decision, so long as the application for repair or replacement was filed within three years of the destruction of the original dwelling. Requires that, 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; a heating system; and appropriate authorization under the current land use system or was assessed for tax purposes as a residential dwelling for at least 10 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 (except as needed to comply with local flood regulations or avoid a natural hazard). Requires that the replacement dwelling comply with applicable building codes that were in effect on the date that the original dwelling was damaged or destroyed. Provides that construction of the new dwelling must get underway within four years from the date that the application is approved by the local jurisdiction, and that the damaged dwelling be removed, demolished, or incorporated into the new dwelling or converted to a nonresidential use within three months after the new dwelling is finished.

Allows a local government to require an applicant to give notice to certain nonparties and provide these parties with an opportunity to submit written comments.

ISSUES DISCUSSED:

- Legislative history and House Bill 2289 (2021)
- Current application process for rebuilding or renovating uninhabitable homes outside of an urban growth boundary
- Utility of providing public notice
- Rebuilding standards for the replacement dwelling
- Appeals process for the Court of Appeals and for the Land Use Board of Appeals

EFFECT OF AMENDMENT:

The amendment requires the proposed replacement dwelling to 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

This summary has not been adopted or officially endorsed by action of the committee.

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applications and commencement of construction on the new dwelling. It allows a local government to require that notice be given to certain nonparties.

Detailed Summary:

- Clarifies that the measure applies to dwellings that were damaged or destroyed by a natural or involuntary event
- Requires that the damaged dwelling be removed, demolished, or 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
- Requires that construction of the replacement dwelling commence no later than four years after the final application is approved

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 meets certain standards of habitability and is 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 it 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.