

Enrolled House Bill 4082

Introduced and printed pursuant to House Rule 12.00. Presession filed (at the request of Governor Tina Kotek for Office of the Governor)

CHAPTER

AN ACT

Relating to housing for older persons; creating new provisions; amending sections 57 and 60, chapter 110, Oregon Laws 2024; and prescribing an effective date.

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

SECTION 1. Section 2 of this 2026 Act is added to and made a part of sections 49 to 59, chapter 110, Oregon Laws 2024.

SECTION 2. (1) As used in this section, “housing for older persons” has the meaning given that term in ORS 659A.421.

(2) In addition to any lands added to a city’s urban growth boundary under any other provision of ORS chapter 197A, including other provisions of sections 49 to 59, chapter 110, Oregon Laws 2024, a city or Metro may add a site for housing for older persons or manufactured dwellings, prefabricated structures or manufactured dwelling parks, including existing units or parks, to its urban growth boundary under this section.

(3) The total acreage of the site:

(a) For a city with a population of 25,000 or greater, may not exceed 100 net residential acres; or

(b) For a city with a population of less than 25,000, may not exceed 50 net residential acres.

(4)(a) Within 120 days of receiving a petition under this section, Metro shall determine whether the site would substantially comply with the applicable provisions of sections 49 to 59, chapter 110, Oregon Laws 2024.

(b) If Metro determines that a petition does not substantially comply, Metro shall:

(A) Notify the city of deficiencies in the petition, specifying sufficient detail to allow the city to remedy any deficiency in a subsequent resubmittal; and

(B) Allow the city to amend its conceptual plan and resubmit it as a petition to Metro under this section.

(c) If Metro determines that a petition does comply, notwithstanding any other provision of ORS chapter 197A, Metro shall adopt amendments to its urban growth boundary to include the site in the petition, unless the amendment would result in more than 300 total net residential acres added under this subsection.

(d) Metro may not conduct a hearing to review or select petitions or adopt amendments to its urban growth boundary under this section.

(e) Sites added to the Metro urban growth boundary under this section do not affect the maximum acreage of sites that may be added under section 51 (3) or (4), chapter 110, Oregon Laws 2024.

(5) A city that adds or petitions to add a site under this section:

(a) Is not required to demonstrate need for housing lands or affordable housing under section 52, chapter 110, Oregon Laws 2024.

(b) May additionally add a site to its urban growth boundary under section 50 (1) or 56, chapter 110, Oregon Laws 2024, or section 2, chapter 341, Oregon Laws 2025, or may petition to add a site under section 51, chapter 110, Oregon Laws 2024.

(c) Must first adopt a conceptual plan as described in section 55, chapter 110, Oregon Laws 2024, except that the conceptual plan:

(A) Is not required to establish the density or housing types under section 55 (3)(a), chapter 110, Oregon Laws 2024, for lands that will be sited for manufactured dwellings, prefabricated structures or manufactured dwelling parks.

(B) May be zoned for residential densities of eight units per net residential acre in a city with a population of 30,000 or greater, notwithstanding section 55 (3)(a)(C)(i) or (ii), chapter 110, Oregon Laws 2024.

(C) Is not required to comply with section 55 (3)(f), chapter 110, Oregon Laws 2024.

(D) Must include requirements that ensure that at least 80 percent of dwelling units, not including manufactured dwellings or prefabricated structures, are subject to affordability restrictions, including but not limited to affordable housing covenants, as described in ORS 456.270 to 456.295, that require for a period of not less than 30 years that the units be available and affordable, with or without government assistance, for rent or purchase by households with an income of 120 percent of the area median income or less.

(E) Must require that all land within the housing development, other than land in a manufactured dwelling park or used for manufactured dwellings or prefabricated structures, is designated as housing for older persons. This requirement may take the form of zoning designations or overlays, master planning, conditions of approval, restrictive covenants or declarations as defined in ORS 94.550 or 100.005, that:

(i) Require the owner of the land to develop a plan to use the land only as housing for older persons. The plan must include policies and procedures as described in 24 C.F.R. 100.306;

(ii) Are enforceable by the city;

(iii) Contain financial penalties for noncompliance; and

(iv) Require that at least 80 percent of the residential units comply with the “Type B” requirements applicable to units as set forth in the Standard for Accessible and Usable Buildings and Facilities published by the International Code Council and as referenced by the state building code.

(F) Must require that lands not be rezoned following the site’s inclusion within the urban growth boundary for a period of:

(i) Thirty years for manufactured dwelling parks; or

(ii) Twenty years for manufactured dwellings or prefabricated structures.

SECTION 2a. If House Bill 4035 becomes law, section 2 of this 2026 Act is amended to read:

Sec. 2. (1) As used in this section, “housing for older persons” has the meaning given that term in ORS 659A.421.

(2) In addition to any lands added to a city’s urban growth boundary under any other provision of ORS chapter 197A, including other provisions of sections 49 to 59, chapter 110, Oregon Laws 2024, a city or Metro may add a site for housing for older persons or manufactured dwellings, prefabricated structures or manufactured dwelling parks, including existing units or parks, to its urban growth boundary under this section.

(3) The total acreage of the site:

(a) For a city with a population of 25,000 or greater, may not exceed 100 net *[residential]* **buildable** acres; or

(b) For a city with a population of less than 25,000, may not exceed 50 net *[residential]* **buildable** acres.

(4)(a) Within 120 days of receiving a petition under this section, Metro shall determine whether the site would substantially comply with the applicable provisions of sections 49 to 59, chapter 110, Oregon Laws 2024.

(b) If Metro determines that a petition does not substantially comply, Metro shall:

(A) Notify the city of deficiencies in the petition, specifying sufficient detail to allow the city to remedy any deficiency in a subsequent resubmittal; and

(B) Allow the city to amend its conceptual plan and resubmit it as a petition to Metro under this section.

(c) If Metro determines that a petition does comply, notwithstanding any other provision of ORS chapter 197A, Metro shall adopt amendments to its urban growth boundary to include the site in the petition, unless the amendment would result in more than 300 total net *[residential]* **buildable** acres added under this subsection.

(d) Metro may not conduct a hearing to review or select petitions or adopt amendments to its urban growth boundary under this section.

(e) Sites added to the Metro urban growth boundary under this section do not affect the maximum acreage of sites that may be added under section 51 (3) or (4), chapter 110, Oregon Laws 2024.

(5) A city that adds or petitions to add a site under this section:

(a) Is not required to demonstrate need for housing lands or affordable housing under section 52, chapter 110, Oregon Laws 2024.

(b) May additionally add a site to its urban growth boundary under section 50 (1) or 56, chapter 110, Oregon Laws 2024, or section 2, chapter 341, Oregon Laws 2025, or may petition to add a site under section 51, chapter 110, Oregon Laws 2024.

(c) Must first adopt a conceptual plan as described in section 55, chapter 110, Oregon Laws 2024, except that the conceptual plan:

(A) Is not required to establish the density or housing types under section 55 (3)(a), chapter 110, Oregon Laws 2024, for lands that will be sited for manufactured dwellings, prefabricated structures or manufactured dwelling parks.

(B) May be zoned for residential densities of eight units per net *[residential]* **buildable** acre in a city with a population of 30,000 or greater, notwithstanding section 55 (3)(a)(C)(i) or (ii), chapter 110, Oregon Laws 2024.

(C) Is not required to comply with section 55 (3)(f), chapter 110, Oregon Laws 2024.

(D) Must include requirements that ensure that at least 80 percent of dwelling units, not including manufactured dwellings or prefabricated structures, are subject to affordability restrictions, including but not limited to affordable housing covenants, as described in ORS 456.270 to 456.295, that require for a period of not less than 30 years that the units be available and affordable, with or without government assistance, for rent or purchase by households with an income of 120 percent of the area median income or less.

(E) Must require that all land within the housing development, other than land in a manufactured dwelling park or used for manufactured dwellings or prefabricated structures, is designated as housing for older persons. This requirement may take the form of zoning designations or overlays, master planning, conditions of approval, restrictive covenants or declarations as defined in ORS 94.550 or 100.005, that:

(i) Require the owner of the land to develop a plan to use the land only as housing for older persons. The plan must include policies and procedures as described in 24 C.F.R. 100.306;

(ii) Are enforceable by the city;

(iii) Contain financial penalties for noncompliance; and

(iv) Require that at least 80 percent of the residential units comply with the “Type B” requirements applicable to units as set forth in the Standard for Accessible and Usable Buildings and Facilities published by the International Code Council and as referenced by the state building code.

(F) Must require that lands not be rezoned following the site’s inclusion within the urban growth boundary for a period of:

(i) Thirty years for manufactured dwelling parks; or

(ii) Twenty years for manufactured dwellings or prefabricated structures.

SECTION 3. Section 57, chapter 110, Oregon Laws 2024, as amended by section 3, chapter 341, Oregon Laws 2025, and section 7, chapter 530, Oregon Laws 2025, is amended to read:

Sec. 57. (1) Within 21 days after the adoption of an amendment to an urban growth boundary or the adoption or amendment of a conceptual plan under sections 49 to 59, chapter 110, Oregon Laws 2024, and the approval by a county if required under section 50 (2), chapter 110, Oregon Laws 2024, the conceptual plan or amendment must be submitted to the Department of Land Conservation and Development for review. The submission must be made by:

(a) The city, for an amendment under section 50 or 58, chapter 110, Oregon Laws 2024, [or] section 2, **chapter 341, Oregon Laws 2025, or section 2 of this 2026 Act** [of this 2025 Act]; or

(b) Metro, for an amendment under section 51 or 58, chapter 110, Oregon Laws 2024, **or section 2 of this 2026 Act.**

(2) Within 60 days after receiving a submittal under subsection (1) of this section, the department shall:

(a) Review the submittal for compliance with the provisions of sections 49 to 59, chapter 110, Oregon Laws 2024.

(b)(A) If the submittal substantially complies with the provisions of sections 49 to 59, chapter 110, Oregon Laws 2024, issue an order approving the submittal; or

(B) If the submittal does not substantially comply with the provisions of sections 49 to 59, chapter 110, Oregon Laws 2024, issue an order remanding the submittal to the city or to Metro with a specific determination of deficiencies in the submittal and with sufficient detail to identify a specific remedy for any deficiency in a subsequent resubmittal.

(3) If a conceptual plan is remanded to Metro under subsection (2)(b) of this section:

(a) The department shall notify the city; and

(b) The city may amend its conceptual plan and resubmit a petition to Metro under section 51, chapter 110, Oregon Laws 2024.

(4) Judicial review of the department’s order:

(a) Must be as a review of orders other than a contested case under ORS 183.484; and

(b) May be initiated only by the city or an owner of a proposed site that was submitted to the department.

(5) Following the approval of a submittal under this section, a local government must include the added lands in any future inventory of buildable lands or determination of housing capacity under ORS 197A.270, 197A.280, 197A.335 or 197A.350.

SECTION 4. Section 60, chapter 110, Oregon Laws 2024, as amended by section 4, chapter 341, Oregon Laws 2025, is amended to read:

Sec. 60. (1) **Section 49, chapter 110, Oregon Laws 2024, as amended by section 4, chapter 530, Oregon Laws 2025, is repealed on January 2, 2033.**

[(1)] (2) Sections [49 to 56, 58] **50, 51, 53, 54, 56** and 59, chapter 110, Oregon Laws 2024, are repealed on January 2, 2033.

(3) **Section 52, chapter 110, Oregon Laws 2024, as amended by section 5, chapter 530, Oregon Laws 2025, is repealed on January 2, 2033.**

(4) **Section 55, chapter 110, Oregon Laws 2024, as amended by section 6, chapter 530, Oregon Laws 2025, is repealed on January 2, 2033.**

[(2)] (5) Section 57, chapter 110, Oregon Laws 2024, as amended by section 3 [of this 2025 Act], **chapter 341, Oregon Laws 2025, section 7, chapter 530, Oregon Laws 2025, and section 3 of this 2026 Act,** is repealed on January 2, 2033.

(6) Section 58, chapter 110, Oregon Laws 2024, as amended by section 8, chapter 530, Oregon Laws 2025, is repealed on January 2, 2033.

[3] (7) Section 2, chapter 341, Oregon Laws 2025, *[of this 2025 Act]* is repealed on January 2, 2033.

(8) Section 2 of this 2026 Act is repealed on January 2, 2033.

SECTION 4a. If House Bill 4035 becomes law, section 4 of this 2026 Act (amending section 60, chapter 110, Oregon Laws 2024) is repealed and section 60, chapter 110, Oregon Laws 2024, as amended by section 4, chapter 341, Oregon Laws 2025, and section 12, chapter __, Oregon Laws 2026 (Enrolled House Bill 4035), is amended to read:

Sec. 60. (1) Section 49, chapter 110, Oregon Laws 2024, as amended by section 4, chapter 530, Oregon Laws 2025, and section 1 *[of this 2026 Act]*, chapter __, Oregon Laws 2026 (Enrolled House Bill 4035), is repealed on January 2, 2033.

(2) Section 50, chapter 110, Oregon Laws 2024, as amended by section 2 *[of this 2026 Act]*, chapter __, Oregon Laws 2026 (Enrolled House Bill 4035), is repealed on January 2, 2033.

(3) Section 51, chapter 110, Oregon Laws 2024, as amended by section 3 *[of this 2026 Act]*, chapter __, Oregon Laws 2026 (Enrolled House Bill 4035), is repealed on January 2, 2033.

(4) Section 52, chapter 110, Oregon Laws 2024, as amended by section 5, chapter 530, Oregon Laws 2025, and section 4 *[of this 2026 Act]*, chapter __, Oregon Laws 2026 (Enrolled House Bill 4035), is repealed on January 2, 2033.

(5) Section 53, chapter 110, Oregon Laws 2024, as amended by section 5 *[of this 2026 Act]*, chapter __, Oregon Laws 2026 (Enrolled House Bill 4035), is repealed on January 2, 2033.

(6) Section 54, chapter 110, Oregon Laws 2024, as amended by section 6 *[of this 2026 Act]*, chapter __, Oregon Laws 2026 (Enrolled House Bill 4035), is repealed on January 2, 2033.

(7) Section 55, chapter 110, Oregon Laws 2024, as amended by section 6, chapter 530, Oregon Laws 2025, and section 7 *[of this 2026 Act]*, chapter __, Oregon Laws 2026 (Enrolled House Bill 4035), is repealed on January 2, 2033.

(8) Section 56, chapter 110, Oregon Laws 2024, as amended by section 8 *[of this 2026 Act]*, chapter __, Oregon Laws 2026 (Enrolled House Bill 4035), is repealed on January 2, 2033.

(9) Section 57, chapter 110, Oregon Laws 2024, as amended by section 3, chapter 341, Oregon Laws 2025, *[and]* section 7, chapter 530, Oregon Laws 2025, and section 3 of this 2026 Act, is repealed on January 2, 2033.

(10) Section 58, chapter 110, Oregon Laws 2024, as amended by section 8, chapter 530, Oregon Laws 2025, is repealed on January 2, 2033.

(11) Section 59, chapter 110, Oregon Laws 2024, is repealed on January 2, 2033.

(12) Section 2, chapter 341, Oregon Laws 2025, as amended by section 9 *[of this 2026 Act]*, chapter __, Oregon Laws 2026 (Enrolled House Bill 4035), is repealed on January 2, 2033.

(13) Section 11 *[of this 2026 Act]*, chapter __, Oregon Laws 2026 (Enrolled House Bill 4035), is repealed on January 2, 2033.

(14) Section 2 of this 2026 Act, as amended by section 2a of this 2026 Act, is repealed on January 2, 2033.

SECTION 5. This 2026 Act takes effect on the 91st day after the date on which the 2026 regular session of the Eighty-third Legislative Assembly adjourns sine die.

Passed by House February 17, 2026

Repassed by House March 6, 2026

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Timothy G. Sekerak, Chief Clerk of House

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Julie Fahey, Speaker of House

Passed by Senate March 4, 2026

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Rob Wagner, President of Senate

Received by Governor:

.....M.,....., 2026

Approved:

.....M.,....., 2026

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Tina Kotek, Governor

Filed in Office of Secretary of State:

.....M.,....., 2026

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Tobias Read, Secretary of State