

SB 1561-5
(LC 96)
2/10/26 (RLM/ps)

Requested by Senator SMITH DB

**PROPOSED AMENDMENTS TO
SENATE BILL 1561**

1 On page 1 of the printed bill, delete lines 6 through 28.

2 On page 2, delete lines 1 through 11 and insert:

3 **“SECTION 2. (1) The local government shall approve an application**
4 **to restore or replace a dwelling damaged or destroyed by natural or**
5 **involuntary causes if:**

6 **“(a) The former dwelling was assessed as a residential dwelling for**
7 **purposes of ad valorem taxation for the most recent tax year before**
8 **the date of the application, and is not subject to unresolved enforce-**
9 **ment proceedings challenging the lawfulness of the dwelling; and**

10 **“(b) The proposed dwelling will:**

11 **“(A) Not exceed the floor area of the former dwelling by more than**
12 **25 percent;**

13 **“(B) Be located wholly or partially within the footprint of the for-**
14 **mer dwelling unless it is necessary to comply with local flood regu-**
15 **lations or to avoid a natural hazard area, in which case the applicant**
16 **may choose a suitable location on the same lot or parcel; and**

17 **“(C) Comply with applicable building codes, if any, that were in ef-**
18 **fect on the date of the former dwelling’s construction.**

19 **“(2) A local government may not add conditions to the approval or**
20 **siting of a dwelling under this section except as necessary to maintain**
21 **participation in the National Flood Insurance Program under 42 U.S.C.**

1 4001 et seq.

2 “(3) A local government may delegate the approval of an application
3 under this section to:

4 “(a) A hearings officer, as defined in ORS 215.402 or 227.160;

5 “(b) A planning commission, as described in ORS 215.020; or

6 “(c) A building official, as defined in ORS 455.715.

7 “(4) The findings of the local government or its designee in ap-
8 proving an application under this section are not land use decisions
9 and are subject to review only under ORS 34.010 to 34.100. The local
10 government may not require an applicant to give notice to any non-
11 party. The findings and conclusions of the local government are enti-
12 tled to deference if there is any evidence to support the findings.”.