

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.”.**

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