



February 11, 2026

To: Chair Khanh Pham and Members
Senate Committee on Housing and Development

From: Mary Kyle McCurdy, Associate Director

Re: SB 1561 - Replacement Dwellings

1000 Friends appreciates the opportunity to testify on Senate Bill 1561. 1000 Friends of Oregon opposes the bill as written but, as we have told the sponsors, we can support it with one change. The bill makes two changes to existing law.

First, SB 1561 provides an additional path that a property owner may use to prove that they are entitled to replace a dwelling in or outside of an urban growth boundary, including on farm and forest land, lost to or damaged by "natural or involuntary causes." As described in Section 2(1)(a)(E) of the bill, a property owner would be able to use certain property tax records to prove a dwelling existed. If a property owner uses this path to prove they had a house, then the bill limits the size of the replacement to no more than 25% larger than the original home. We support this portion of the bill.

However, SB 1561 also provides that if the homeowner uses the "tax record" path to prove that a house once existed, then their application would not be treated as a land use decision, and no public notice would be given. We oppose this provision, which is at page 2 of the bill, lines 6-11. Current law provides several ways for a property owner to demonstrate they qualify for a replacement dwelling. Those follow the regular land use process, by providing public notice and an opportunity to comment.

There is no reason for a different process for this one evidentiary path. While public comment does not occur often, there are the rare times when that public notice generates information that the structure was not a dwelling, or that it was in a different location or of a different size, or something else useful that is informative for the local government when it is evaluating the application. Therefore, we cannot support the bill unless public notice is provided. We understand the concern about potential appeals of local decisions, but we believe that concern can be addressed while still providing notice and the opportunity to comment locally, and we hope to work with the proponents on this. Otherwise, we ask that lines 6-11 on p. 2 be deleted.

Thank you.