



HAPO Guidance: Oregon Housing Laws

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In 2024, the Oregon Legislature established the Housing Accountability and Production Office (HAPO). Among the intended functions and duties of the office, the Legislature directed the office to provide technical support and assistance to local governments in complying with “housing laws”, which include:

“Housing law” means ORS chapter 197A and ORS 92.010 to 92.192, 92.830 to 92.845, 197.015, 197.195, 197.360 to 197.380, 197.475 to 197.493, 197.505 to 197.540, 197.660 to 197.670, 197.748, 197.843, 215.402 to 215.438, 227.160 to 227.186, 455.148, 455.150, 455.152, 455.153, 455.156, 455.157, 455.165, 455.170, 455.175, 455.180, 455.185 to 455.198, 455.200, 455.202 to 455.208, 455.210, 455.220, 455.465 and 455.467 and administrative rules implementing those laws, to the extent that the law or rule imposes a mandatory duty on a local government or its officers, employees or agents and the application of the law or rule applies to residential development or pertains to a permit for a residential use or a division of land for residential purposes.

The purpose of this guidance document is to provide a **high-level overview of housing laws related to land use planning** (i.e. excluding ORS 455 and laws/administrative rules related to building permits). This document is intended to be a resource for land use practitioners in understanding, interpreting, and applying Oregon’s housing laws. It is organized by category, and provides links to more in-depth guidance, where such guidance has been produced by DLCD.

Note: Housing laws may change in response to legislative bills. Information provided herein is updated as of the date of this document. This document does not include other housing-related planning requirements in state law, such as Goal 10 implementation (i.e. Housing Capacity Analyses and Housing Production Strategies) and Goal 14 implementation (i.e. UGB amendments and exchanges). For more information on these processes, visit [DLCD’s Housing webpage](#).

Quick Links to Sections by Topic

Land Division, Development Review, and Permitting.....	2
Local Requirements for Housing.....	4
Other Housing Laws.....	6

**Land Division, Development Review, and Permitting**

Statute / OARs	Description	Guidance
ORS 92.010 to 92.027	<u>Land Division Authorization and Requirements</u> – Lawfully created units of land are required for the sale, transfer, or dedication of land. Cities and counties are authorized to review and approve land divisions.	
ORS 92.031	<u>Middle housing land divisions</u> – Middle housing land divisions that meet specific statutory requirements must be approved by cities and counties via an expedited land division process.	Middle Housing Land Division Guidance – Part 1 Part 2
ORS 92.042 to 92.192	<u>Land division requirements</u> – Cities and counties must adopt and apply standards and procedures regulating the division of land that meet parameters outlined in statute.	
ORS 92.830 to 92.845	<u>Manufactured home subdivisions</u> – Cities and counties must approve subdivisions for manufactured home parks that meet applicable local standards and parameters outlined in statute. The applicant must provide notice and ‘right of first refusal’ to manufactured home park tenants.	
ORS 197.015 (12) and 197.195 Amended by SB 1537 (2024) §44-47	<u>Limited land use decisions</u> – Establishes certain applications as limited land use decisions, including applications for a tentative subdivision or partition plan, applications based on discretionary standards, and applications for a replat, a property line adjustment, or an extension, alteration, or expansion of a nonconforming use. Local governments may apply to the Housing Accountability and Production Office for a hardship extension to this requirement.	SB 1537 FAQ
ORS 197.360 to 197.380	<u>Expedited Land Divisions</u> – cities must process land divisions as expedited land divisions via a streamlined process, when requested by an applicant and the project is either a middle housing land division or meets certain statutory requirements.	
ORS 197.505 to 197.540	<u>Moratoria</u> – Cities, counties, and special districts that adopt moratoria must comply with specific statutory provisions that ensure they are temporary, narrow in scope, and underlying problems are addressed through local action.	
ORS 227.160 to 227.170 (city) ORS 215.402 to 215.412 (county)	<u>Hearings Authorization</u> – Cities or counties are authorized to appoint planning or zoning hearings officers to conduct hearings for permits and zone changes, as delegated by the governing body. The city or county must prescribe procedures and rules by which hearings are conducted and decisions are made based on factual information, including adopted comprehensive plans and land use regulations	
ORS 227.173 (city) (no county corollary)	<u>Permit approval/denial</u> – Approval or denial of a permit must be based on standards/criteria in the development ordinance. Standards applied to housing within an urban growth	



	boundary must be clear and objective on the face of an ordinance. Approval or denial must be accompanied with written findings about the applicable standards, facts, and justification of the decision.	
ORS 227.175 (city) ORS 215.416 (county)	Permitting and approval – Approval or denial for a housing development within an urban growth boundary must be based on clear and objective standards outlined in the development ordinance and may not condition reductions in height for housing, except to resolve a health, safety, or habitability issue or to comply with a statewide land use planning goal.	
ORS 227.178 (city) Amended by HB 4063 (2024) §8 SB 1537 (2024) §9	<u>120-day land use approval (within UGBs)</u> – Final action on a permit must be taken within 120 days after an application is deemed complete. The full timeline includes: <ul style="list-style-type: none">• 180-day completeness review:• 120-day application review:• 7-day extension for sufficiency of final decision: The applicant can opt into utilizing updated standards that have been adopted by the city since the application was submitted and deemed complete. In such a case, this timeline resets and the city is prevented from requiring a duplicative application or fees but can request additional materials and fees to cover needed staff time that may result from the added review.	SB 1537 FAQ
ORS 215.427 (county) Amended by HB 4063 (2024) §7 SB 1537 (2024) §8	<u>150-day land use approval (county; outside of UGB)</u> – Final action on a permit must be taken within 150 days after an application is deemed complete. Applications within a UGB are subject to a 120-day timeline. The full timeline includes: <ul style="list-style-type: none">• 180-day completeness review:• 150-day application review (120-day within a UGB):• 7-day extension for sufficiency of final decision: The applicant can opt into utilizing updated standards that have been adopted by the county since the application was submitted and deemed complete. In such a case, this timeline resets and the county is prevented from requiring a duplicative application or fees but can request additional materials and fees to cover needed staff time that may result from the added review.	SB 1537 FAQ
ORS 227.180 to 227.181 (city) ORS 215.422 to 215.435 (county)	Land use procedure – Cities and counties must apply procedural requirements surrounding appeal of local actions, including timelines, ex parte contact, bias, and remand.	

**Local Requirements for Housing**

Statute / OARs	Description	Guidance
ORS 197A.395 (formerly ORS 197.312)	<u>Local charter prohibitions</u> – Cities and counties may not establish charter prohibitions on specific types of needed housing, including government assisted housing and farmworker housing	
ORS 197A.400 (1) (formerly ORS 197.307) OAR 660-008-0015	<u>Clear and objective standards</u> – Local governments may only adopt and apply clear and objective standards, conditions, and procedures for housing development within UGBs. These standards, conditions, and procedures may not have the effect of discouraging needed housing through unreasonable cost or delay.	
ORS 197A.400 (3) (formerly ORS 197.307) OAR 660-008-0015	<u>Optional discretionary pathways</u> – Local governments may provide “optional discretionary” review pathways that meet the required statutory conditions: <ol style="list-style-type: none">1. The applicant retains the option for a clear & objective pathway;2. The discretionary pathway complies with statewide land use planning goals and rules; and3. The discretionary pathway authorizes a density “at or above” the density authorized in the clear & objective pathway.	
ORS 197A.420 (Formerly ORS 197.758), OAR Chapter 660, Division 046	<u>Middle housing</u> – Cities and counties above specified population thresholds must allow “middle housing” in single-family residential zones, including: <ul style="list-style-type: none">• Cities above 2,500 population (‘medium cities’): Must allow a duplex on each lot or parcel that allows a detached single-family dwelling• Cities above 25,000 population, Metro cities above 2,500 population, and urban, unincorporated portions of Metro counties (‘large cities’): In addition to duplexes (above), must allow triplexes, quadplexes, townhouses, and cottage clusters in areas that allow detached single-family dwellings <i>Note: Cities and unincorporated communities in Tillamook County are encompassed in the definition of ‘large cities’ under SB 406 (2023).</i>	DLCD Middle Housing webpage Medium Cities Model Code Large Cities Model Code
ORS 197A.425 (formerly 197.312)	<u>Accessory Dwelling Units</u> – Cities and counties above a population threshold must allow ADUs in single-family residential zones.	ADU Model Code
ORS 197A.430	<u>Single Room Occupancies</u> – Local governments must allow single room occupancies within an urban growth boundary: <ul style="list-style-type: none">• With up to six units on each lot or parcel that allows a detached single-family dwelling• Consistent with density standards for a lot or parcel that allows residential dwellings with five or more units	



ORS 197A.445 (formerly ORS 197.308)	<u>Affordable housing permitting</u> – Local governments must allow affordable housing meeting specific statutory requirements without requiring a zone change or conditional use.	
ORS 197A.460	<u>Residential use of commercial lands for affordable housing</u> – Local governments must allow the development of low-income affordable housing or mixed-use commercial and moderate-income housing on lands zoned to allow commercial uses, with specified exemptions.	
ORS 197A.465	<u>Local requirements to develop affordable housing</u> – Authorizes cities and counties to require a proportion, up to 20%, of certain housing developments to be regulated affordable. The city or county must meet specific parameters in statute, including the provision of incentives.	
ORS 197A.470 (formerly ORS 197.311)	<u>Expedited affordable housing review</u> – Cities and counties above a population threshold must take final action on qualifying affordable housing applications within 100 days after an application is deemed complete	
ORS 197.478 (formerly ORS 197.314)	<u>Manufactured homes</u> – Local governments must allow manufactured homes and prefabricated structures in single-family residential zones. Local governments may not impose more restrictive standards on manufactured dwellings in comparison to site-built dwellings.	Prefabricated/Modular Housing Model Code & Audit Workbook
ORS 197.480 to 197.493	<u>Manufactured home parks</u> – Cities and counties must allow the siting of manufactured homes, prefabricated structures, and recreational vehicles in manufactured home parks meeting statutory requirements.	
ORS 197.660 to 197.670	<u>Residential homes & facilities</u> – Local governments must permit “Residential homes” and “Residential facilities” (definition in ORS 443.400) in residential zones and may not impose more restrictive zoning requirements.	
ORS 197.748	<u>Hotel/Motel conversion</u> – Local governments must unconditionally allow the conversion of hotels or motels to emergency shelters or affordable housing meeting statutory parameters	
197A.XXX (currently unassigned) SB 1537 (2024) §37-43	<u>Mandatory adjustments to housing development standards</u> – Local governments are required to approve a maximum of ten adjustments to design standards for housing development applications that meet certain criteria. Applications must be for housing development within an urban growth boundary, and adjustment requirements do not cover accessibility, affordability, fire, health and safety, and ecological or natural resource/hazard standards. Local governments may apply to the Housing Accountability and Production Office for an exemption to this requirement. This provision is repealed on January 2, 2032.	SB 1537 FAQ



<u>ORS 197A.XXX</u> (currently unassigned) SB 1564 (2024)	State model housing ordinances – Model housing type ordinances adopted by the Land Conservation and Development Commission and subsequently adopted by a local government, either in whole or in part, are to have presumed clear and objective standards.	
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Other Housing Laws

Statute / OARs	Description	Guidance
ORS 197.843 Amended by SB 1537 (2024) §10-11	<u>Attorney fees for housing challenges</u> – The Land Use Board of Appeals will award attorney fees to the presiding party under the following circumstances: <ul style="list-style-type: none">- An applicant for an affordable housing development when the court reverses a quasi-judicial decision denying the application; and- An applicant for the development of housing and the affirming local government if the quasi-judicial decision is upheld, within an urban growth boundary.	