

Senate Bill 502

Sponsored by Senator SMITH DB (Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: This Act awards legal fees against a third party who fails in appealing a land use decision. (Flesch Readability Score: 65.1).

Awards attorney fees against an intervenor in any unsuccessful appeal of a quasi-judicial land use decision.

A BILL FOR AN ACT

1
2 Relating to attorney fees for appeal of quasi-judicial land use decisions; creating new provisions; and
3 amending ORS 197.843.

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

5 **SECTION 1.** ORS 197.843, as amended by section 10, chapter 110, Oregon Laws 2024, is
6 amended to read:

7 197.843. (1) The Land Use Board of Appeals shall award attorney fees to:

8 (a) An applicant whose application is only for the development of affordable housing, if the
9 board reverses a quasi-judicial land use decision denying the application, **charged against the local
10 government and the intervenors, if any;**

11 **(b) An applicant, if the board reverses a quasi-judicial land use decision denying the ap-
12 plication and a party has intervened on behalf of the local government, charged only against
13 the intervenors;**

14 *[(b)] (c) An applicant whose application [is only for the development of housing and] was ap-
15 proved by the local government, if the board affirms the decision; and*

16 *[(c)] (d) The local government that approved a quasi-judicial land use decision described in
17 paragraph [(b)] (c) of this subsection.*

18 *[(2) For housing other than affordable housing, the attorney fees specified in subsection (1)(b) and
19 (c) of this section apply only within urban growth boundaries.]*

20 *[(3)] (2) [A party] An applicant* who was awarded attorney fees under this section or ORS
21 197.850 shall repay the fees plus any interest from the time of the judgment if the property upon
22 which the fees are based is developed for a use other than the *[proposed housing]* **use proposed by
23 the appealed application.**

24 *[(4)] (3) As used in this section:*

25 (a) "Affordable housing" means affordable housing, as defined in ORS 197A.445, or publicly
26 supported housing, as defined in ORS 456.250.

27 (b) "Attorney fees" includes prelitigation legal expenses, including preparing and processing the
28 application and supporting the application in local land use hearings or proceedings.

29 **SECTION 2. The amendments to ORS 197.843 by section 1 of this 2025 Act apply to ap-
30 peals, including appeals for judicial review filed under ORS 197.850, that are filed on or after**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 **the effective date of this 2025 Act.**

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