

**SB 8 A STAFF MEASURE SUMMARY**

**Carrier:** Sen. Courtney

**Senate Committee On Housing**

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**Action Date:** 04/08/19

**Action:** Do pass with amendments and requesting subsequent referral to Judiciary be rescinded. (Printed A-Eng.)

**Vote:** 5-0-0-0

**Yeas:** 5 - Fagan, Golden, Heard, Knopp, Monnes Anderson

**Fiscal:** Has minimal fiscal impact

**Revenue:** No revenue impact

**Prepared By:** C. Ross, Counsel

**Meeting Dates:** 2/25, 4/8

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**WHAT THE MEASURE DOES:**

Directs Land Use Board of Appeals to award reasonable attorney fees and expenses to prevailing respondent, who is the applicant or the local government, only upon affirming approval of an application to develop publicly supported housing.

**ISSUES DISCUSSED:**

- Affordable housing shortage
- Finding ways to support development of affordable housing
- Oregon's unique land use system; local control over land use planning; approval processes open to broad public participation
- Funding for public projects that is usually time-limited; mere delay resulting in project termination
- Protecting public access to process on principle, at all costs, understanding it is subject to exploitation
- Balance between frivolous appeals filed for purposes of delay, and ensuring access for appeals with merit

**EFFECT OF AMENDMENT:**

Replaces the measure with significantly narrower scope.

**BACKGROUND:**

Local jurisdictions in Oregon are required to prepare comprehensive land use plans that are consistent with implementation of a set of statewide planning goals, overseen by the Land Conservation and Development Commission (LCDC). Projects approved at the local level may be appealed to a specialized tribunal called the Land Use Board of Appeals (LUBA). Anyone who appears during proceedings at the local level, when project approval is being sought, may intervene and become a party on appeal, and LUBA may award attorney fees in some circumstances.

Publicly supported housing is defined as the development of five or more units of multi-family rental housing that receives or benefits from specified government assistance, with a number of exceptions for developments receiving local fee waivers or tax abatement; or that are part of a local inclusionary housing program; or that receive certain tenant-based or project-based rent subsidies or assistance.

Senate Bill 8-A requires LUBA to order challengers to pay reasonable attorney fees and expenses to prevailing respondents who are the applicant or the local government, if the challenge is against a locally approved application to develop publicly supported housing.