

**HOUSE AMENDMENTS TO
B-ENGROSSED HOUSE BILL 2003
(INCLUDING AMENDMENTS TO RESOLVE CONFLICTS)**

By JOINT COMMITTEE ON WAYS AND MEANS

June 26

1 On page 1 of the printed B-engrossed bill, line 4, after “2018” insert “, and section 3, chapter
2 97, Oregon Laws 2019 (Enrolled Senate Bill 39)”.

3 On page 9, after line 28, insert:

4 **“SECTION 8a. If House Bill 2001 becomes law, section 8 of this 2019 Act (amending ORS
5 197.296) is repealed and ORS 197.296, as amended by section 5, chapter _____, Oregon Laws
6 2019 (Enrolled House Bill 2001), is amended to read:**

7 “197.296. (1)(a) The provisions of subsections (2) to (9) of this section apply to metropolitan
8 service district regional framework plans and local government comprehensive plans for lands
9 within the urban growth boundary of a city that is located outside of a metropolitan service district
10 and has a population of 25,000 or more.

11 “(b) The Land Conservation and Development Commission may establish a set of factors under
12 which additional cities are subject to the provisions of this section. In establishing the set of factors
13 required under this paragraph, the commission shall consider the size of the city, the rate of popu-
14 lation growth of the city or the proximity of the city to another city with a population of 25,000 or
15 more or to a metropolitan service district.

16 “(2)(a) [At periodic review pursuant to ORS 197.628 to 197.651 or at any other legislative review
17 of the comprehensive plan or regional framework plan that concerns the urban growth boundary and
18 requires the application of a statewide planning goal relating to buildable lands for residential use,]
19 A local government shall demonstrate that its comprehensive plan or regional framework plan pro-
20 vides sufficient buildable lands within the urban growth boundary established pursuant to statewide
21 planning goals to accommodate estimated housing needs for 20 years:

22 **“(A) At periodic review under ORS 197.628 to 197.651;**

23 **“(B) As scheduled by the commission:**

24 **“(i) At least once each eight years for local governments that are not within a metro-
25 politan service district; or**

26 **“(ii) At least once each six years for a metropolitan service district; or**

27 **“(C) At any other legislative review of the comprehensive plan or regional framework
28 plan that concerns the urban growth boundary and requires the application of a statewide
29 planning goal relating to buildable lands for residential use.**

30 **“(b) The 20-year period shall commence on the date initially scheduled for completion of the
31 [periodic or legislative] review under paragraph (a) of this subsection.**

32 **“(3) In performing the duties under subsection (2) of this section, a local government shall:**

33 **“(a) Inventory the supply of buildable lands within the urban growth boundary and determine
34 the housing capacity of the buildable lands; and**

1 “(b) Conduct an analysis of existing and projected housing need by type and density range, in
2 accordance with all factors under ORS 197.303 and statewide planning goals and rules relating to
3 housing, to determine the number of units and amount of land needed for each needed housing type
4 for the next 20 years.

5 “(4)(a) For the purpose of the inventory described in subsection (3)(a) of this section, ‘buildable
6 lands’ includes:

7 “(A) Vacant lands planned or zoned for residential use;

8 “(B) Partially vacant lands planned or zoned for residential use;

9 “(C) Lands that may be used for a mix of residential and employment uses under the existing
10 planning or zoning; and

11 “(D) Lands that may be used for residential infill or redevelopment.

12 “(b) For the purpose of the inventory and determination of housing capacity described in sub-
13 section (3)(a) of this section, the local government must demonstrate consideration of:

14 “(A) The extent that residential development is prohibited or restricted by local regulation and
15 ordinance, state law and rule or federal statute and regulation;

16 “(B) A written long term contract or easement for radio, telecommunications or electrical fa-
17 cilities, if the written contract or easement is provided to the local government; and

18 “(C) The presence of a single family dwelling or other structure on a lot or parcel.

19 “(c) Except for land that may be used for residential infill or redevelopment, a local government
20 shall create a map or document that may be used to verify and identify specific lots or parcels that
21 have been determined to be buildable lands.

22 “(5)(a) Except as provided in paragraphs (b) and (c) of this subsection, the determination of
23 housing capacity pursuant to subsection (3)(a) of this section must be based on data relating to land
24 within the urban growth boundary that has been collected since the last review [*or six years,*
25 *whichever is greater*] **under subsection (2)(a)(B) of this section.** The data shall include:

26 “(A) The number, density and average mix of housing types of urban residential development
27 that have actually occurred;

28 “(B) Trends in density and average mix of housing types of urban residential development;

29 “(C) Market factors that may substantially impact future urban residential development; and

30 “(D) The number, density and average mix of housing types that have occurred on the buildable
31 lands described in subsection (4)(a) of this section.

32 “(b) A local government shall make the determination described in paragraph (a) of this sub-
33 section using a shorter time period than the time period described in paragraph (a) of this subsection
34 if the local government finds that the shorter time period will provide more accurate and reliable
35 data related to housing capacity. The shorter time period may not be less than three years.

36 “(c) A local government shall use data from a wider geographic area or use a time period longer
37 than the time period described in paragraph (a) of this subsection if the analysis of a wider ge-
38 ographic area or the use of a longer time period will provide more accurate, complete and reliable
39 data relating to trends affecting housing need than an analysis performed pursuant to paragraph (a)
40 of this subsection. The local government must clearly describe the geographic area, time frame and
41 source of data used in a determination performed under this paragraph.

42 “(6) If the housing need determined pursuant to subsection (3)(b) of this section is greater than
43 the housing capacity determined pursuant to subsection (3)(a) of this section, the local government
44 shall take one or both of the following actions to accommodate the additional housing need:

45 “(a) Amend its urban growth boundary to include sufficient buildable lands to accommodate

1 housing needs for the next 20 years. As part of this process, the local government shall consider the
2 effects of measures taken pursuant to paragraph (b) of this subsection. The amendment shall include
3 sufficient land reasonably necessary to accommodate the siting of new public school facilities. The
4 need and inclusion of lands for new public school facilities shall be a coordinated process between
5 the affected public school districts and the local government that has the authority to approve the
6 urban growth boundary.

7 “(b) Amend its comprehensive plan, regional framework plan, functional plan or land use regu-
8 lations to include new measures that demonstrably increase the likelihood that residential develop-
9 ment will occur at densities sufficient to accommodate housing needs for the next 20 years without
10 expansion of the urban growth boundary. A local government or metropolitan service district that
11 takes this action shall adopt findings regarding the density expectations assumed to result from
12 measures adopted under this paragraph based upon the factors listed in ORS 197.303 (2) and data
13 in subsection (5)(a) of this section. The density expectations may not project an increase in resi-
14 dential capacity above achieved density by more than three percent without quantifiable validation
15 of such departures. For a local government located outside of a metropolitan service district, a
16 quantifiable validation must demonstrate that the assumed housing capacity has been achieved in
17 areas that are zoned to allow no greater than the same authorized density level within the local
18 jurisdiction or a jurisdiction in the same region. For a metropolitan service district, a quantifiable
19 validation must demonstrate that the assumed housing capacity has been achieved in areas that are
20 zoned to allow no greater than the same authorized density level within the metropolitan service
21 district.

22 “(c) As used in this subsection, ‘authorized density level’ has the meaning given that term in
23 ORS 227.175.

24 “(7) Using the housing need analysis conducted under subsection (3)(b) of this section, the local
25 government shall determine the overall average density and overall mix of housing types at which
26 residential development of needed housing types must occur in order to meet housing needs over the
27 next 20 years. If that density is greater than the actual density of development determined under
28 subsection (5)(a)(A) of this section, or if that mix is different from the actual mix of housing types
29 determined under subsection (5)(a)(A) of this section, the local government, as part of its periodic
30 review, shall adopt measures that demonstrably increase the likelihood that residential development
31 will occur at the housing types and density and at the mix of housing types required to meet housing
32 needs over the next 20 years.

33 “(8)(a) A local government outside a metropolitan service district that takes any actions under
34 subsection (6) or (7) of this section shall demonstrate that the comprehensive plan and land use
35 regulations comply with goals and rules adopted by the commission and implement ORS 197.295 to
36 197.314.

37 “(b) A local government shall determine the density and mix of housing types anticipated as a
38 result of actions taken under subsections (6) and (7) of this section and monitor and record the ac-
39 tual density and mix of housing types achieved following the adoption of these actions. The local
40 government shall compare actual and anticipated density and mix. The local government shall sub-
41 mit its comparison to the commission at the next *[periodic review or at the next legislative]* review
42 of its urban growth boundary[, *whichever comes first*] **under subsection (2)(a) of this section.**

43 “(9) In establishing that actions and measures adopted under subsections (6) and (7) of this sec-
44 tion demonstrably increase the likelihood of higher density residential development, the local gov-
45 ernment shall at a minimum ensure that land zoned for needed housing is in locations appropriate

1 for the housing types identified under subsection (3) of this section, is zoned at density ranges that
2 are likely to be achieved by the housing market using the analysis in subsection (3) of this section
3 and is in areas where sufficient urban services are planned to enable the higher density development
4 to occur over the 20-year period. Actions or measures, or both, may include but are not limited to:

5 “(a) Increases in the permitted density on existing residential land;

6 “(b) Financial incentives for higher density housing;

7 “(c) Provisions permitting additional density beyond that generally allowed in the zoning district
8 in exchange for amenities and features provided by the developer;

9 “(d) Removal or easing of approval standards or procedures;

10 “(e) Minimum density ranges;

11 “(f) Redevelopment and infill strategies;

12 “(g) Authorization of housing types not previously allowed by the plan or regulations;

13 “(h) Adoption of an average residential density standard; and

14 “(i) Rezoning or redesignation of nonresidential land.

15 “(10)(a) The provisions of this subsection apply to local government comprehensive plans for
16 lands within the urban growth boundary of a city that is located outside of a metropolitan service
17 district and has a population of less than 25,000.

18 “(b) *[At periodic review pursuant to ORS 197.628 to 197.651 or at any other legislative review of*
19 *the comprehensive plan that requires the application of a statewide planning goal relating to buildable*
20 *lands for residential use,]* **As required under paragraph (c) of this subsection**, a city shall, ac-
21 cording to rules of the commission:

22 “(A) Determine the estimated housing needs within the jurisdiction for the next 20 years;

23 “(B) Inventory the supply of buildable lands available within the urban growth boundary to ac-
24 commodate the estimated housing needs determined under this subsection; and

25 “(C) Adopt measures necessary to accommodate the estimated housing needs determined under
26 this subsection.

27 “(c) **The actions required under paragraph (b) of this subsection shall be undertaken:**

28 “(A) **At periodic review pursuant to ORS 197.628 to 197.651;**

29 “(B) **On a schedule established by the commission for cities with a population greater**
30 **than 10,000, not to exceed once each eight years; or**

31 “(C) **At any other legislative review of the comprehensive plan that requires the appli-**
32 **cation of a statewide planning goal relating to buildable lands for residential use.**

33 “[c] (d) For the purpose of the inventory described in this subsection, ‘buildable lands’ includes
34 those lands described in subsection (4)(a) of this section.”.

35 On page 11, after line 29, insert:

36 “**SECTION 10a. If House Bill 2001 becomes law, section 10 of this 2019 Act (amending ORS**
37 **197.303) is repealed and ORS 197.303, as amended by section 6, chapter _____, Oregon Laws**
38 **2019 (Enrolled House Bill 2001), is amended to read:**

39 “197.303. (1) As used in ORS 197.295 to 197.314, ‘needed housing’ means all housing on land
40 zoned for residential use or mixed residential and commercial use that is determined to meet the
41 need shown for housing within an urban growth boundary at price ranges and rent levels that are
42 affordable to households within the county with a variety of incomes, including but not limited to
43 households with low incomes, very low incomes and extremely low incomes, as those terms are de-
44 fined by the United States Department of Housing and Urban Development under 42 U.S.C. 1437a.
45 ‘Needed housing’ includes the following housing types:

1 “(a) Attached and detached single-family housing and multiple family housing for both owner and
2 renter occupancy;

3 “(b) Government assisted housing;

4 “(c) Mobile home or manufactured dwelling parks as provided in ORS 197.475 to 197.490;

5 “(d) Manufactured homes on individual lots planned and zoned for single-family residential use
6 that are in addition to lots within designated manufactured dwelling subdivisions; and

7 “(e) Housing for farmworkers.

8 “(2) For the purpose of estimating housing needs, as described in ORS 197.296 (3)(b), a local
9 government shall use the population projections prescribed by ORS 195.033 or 195.036 and shall
10 consider and adopt findings related to changes in each of the following factors since the last [*peri-*
11 *odic or legislative review or six years, whichever is greater,*] **review under ORS 197.296 (2)(a)(B)** and
12 the projected future changes in these factors over a 20-year planning period:

13 “(a) Household sizes;

14 “(b) Household demographics [*in terms of age, gender, race or other established demographic cat-*
15 *egory*];

16 “(c) Household incomes;

17 “(d) Vacancy rates; and

18 “(e) Housing costs.

19 “(3) A local government shall make the estimate described in subsection (2) of this section using
20 a shorter time period than since the last [*periodic or legislative review or six years, whichever is*
21 *greater,*] **review under ORS 197.296 (2)(a)(B)** if the local government finds that the shorter time
22 period will provide more accurate and reliable data related to housing need. The shorter time period
23 may not be less than three years.

24 “(4) A local government shall use data from a wider geographic area or use a time period longer
25 than the time period described in subsection (2) of this section if the analysis of a wider geographic
26 area or the use of a longer time period will provide more accurate, complete and reliable data re-
27 lating to trends affecting housing need than an analysis performed pursuant to subsection (2) of this
28 section. The local government must clearly describe the geographic area, time frame and source of
29 data used in an estimate performed under this subsection.

30 “(5) Subsection (1)(a) and (d) of this section does not apply to:

31 “(a) A city with a population of less than 2,500.

32 “(b) A county with a population of less than 15,000.

33 “(6) A local government may take an exception under ORS 197.732 to the definition of ‘needed
34 housing’ in subsection (1) of this section in the same manner that an exception may be taken under
35 the goals.”.

36 On page 23, after line 9, insert:

37 “**SECTION 21a.** If Senate Bill 39 becomes law, ORS 455.062, as amended by section 2, chapter
38 97, Oregon Laws 2019 (Enrolled Senate Bill 39), and section 21 of this 2019 Act, is amended to read:

39 “455.062. (1) A Department of Consumer and Business Services employee acting within the scope
40 of that employment may provide typical drawings and specifications:

41 “(a) For structures of a type for which the provision of drawings or specifications is exempted
42 under ORS 671.030 from the application of ORS 671.010 to 671.220 and exempted under ORS 672.060
43 from the registration requirements of ORS 672.002 to 672.325; and

44 “(b) Notwithstanding ORS 671.010 to 671.220 and 672.002 to 672.325, for structures that are
45 metal or wood frame Use and Occupancy Classification Group U structures under the structural

1 specialty code.

2 “(2) A Department of Consumer and Business Services employee, who is licensed or registered
3 under ORS 671.010 to 671.220 or 672.002 to 672.325, who is acting within the scope of that employ-
4 ment and who is providing typical [*plans*] **drawings** and specifications under subsection (1) of this
5 section, is not required to seal or sign the typical [*plans*] **drawings** and specifications and is not
6 subject to disciplinary action under ORS 671.010 to 671.220 or 672.002 to 672.325 based on providing
7 those typical [*plans*] **drawings** and specifications.

8 “(3) A building official or inspector, as those terms are defined in ORS 455.715, when acting
9 within the scope of direct employment by a municipality, may provide typical drawings or specifi-
10 cations for structures of a type for which the provision of drawings or specifications is exempted
11 under ORS 671.030 from the application of ORS 671.010 to 671.220 and exempted under ORS 672.060
12 from the registration requirements of ORS 672.002 to 672.325. This subsection does not alter any
13 applicable requirement under ORS 671.010 to 671.220 or 672.002 to 672.325 regarding stamps and
14 seals for a set of plans for a structure.

15 “**SECTION 21b.** If Senate Bill 39 becomes law, section 3, chapter 97, Oregon Laws 2019 (En-
16 rolled Senate Bill 39), is amended to read:

17 “**Sec. 3.** The amendments to ORS 455.062 and 672.060 by sections 1 and 2 [*of this 2019 Act*],
18 **chapter 97, Oregon Laws 2019 (Enrolled Senate Bill 39), and section 21a of this 2019 Act** apply
19 to work performed, and offers made, on or after the effective date of [*this 2019 Act*] **chapter 97,**
20 **Oregon Laws 2019 (Enrolled Senate Bill 39).**”.

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