

HOUSE AMENDMENTS TO HOUSE BILL 2003

By COMMITTEE ON AGRICULTURE AND LAND USE

April 11

1 On page 1 of the printed bill, line 2, after “ORS” delete the rest of the line and lines 3 through
2 5 and insert “197.296, 197.299, 197.303, 197.319, 197.320, 197.830, 215.416, 215.441, 227.175, 227.500 and
3 455.062; and declaring an emergency.”.

4 Delete lines 7 through 15 and delete pages 2 through 7.

5 On page 8, delete lines 1 through 30 and insert:

6 **“SECTION 1. (1) As used in this section:**

7 **“(a) ‘Area median income’ means the median income for households established by the**
8 **United States Department of Housing and Urban Development.**

9 **“(b) ‘Existing housing stock’ means housing, by affordability level and type, actually**
10 **constructed in a city or Metro.**

11 **“(c) ‘High income’ means above 120 percent of the area median income.**

12 **“(d) ‘Housing shortage’ means the difference between the estimated housing units of**
13 **different affordability levels and housing types needed to accommodate population changes**
14 **over the next 20 years, and the existing housing stock, measured in dwelling units.**

15 **“(e) ‘Low income’ means income above 50 percent and at or below 80 percent of the area**
16 **median income.**

17 **“(f) ‘Metro’ means a metropolitan service district organized under ORS chapter 268.**

18 **“(g) ‘Moderate income’ means income above 80 percent and at or below 120 percent of the**
19 **area median income.**

20 **“(h) ‘Region’ has the meaning given that term in ORS 284.752.**

21 **“(i) ‘Very low income’ means income at or below 50 percent of the area median income.**

22 **“(2) The Oregon Department of Administrative Services, in coordination with the De-**
23 **partment of Land Conservation and Development and the Housing and Community Services**
24 **Department, shall develop a methodology for calculating:**

25 **“(a) A regional housing needs analysis that identifies the total number of housing units**
26 **necessary to accommodate anticipated populations in a region over the next 20 years based**
27 **on:**

28 **“(A) Trends in density and in the average mix of housing types of urban residential de-**
29 **velopment;**

30 **“(B) Demographic and population trends; and**

31 **“(C) Economic trends and cycles.**

32 **“(b) An inventory of existing housing stock of each city and Metro.**

33 **“(c) A housing shortage analysis for each city and Metro.**

34 **“(3) The methodologies for calculating the regional housing needs analysis, the inventory**
35 **of existing housing stock and the housing shortage analysis developed under subsection (2)**

1 of this section must classify housing by:

2 “(a) Housing type, including attached and detached single-family housing, multifamily
3 housing and manufactured dwellings or mobile homes; and

4 “(b) Affordability, by housing that is affordable to households with:

5 “(A) Very low income;

6 “(B) Low income;

7 “(C) Moderate income; or

8 “(D) High income.

9 “(4) On or before July 1, 2020, the Oregon Department of Administrative Services, in co-
10 ordination with the Department of Land Conservation and Development and the Housing and
11 Community Services Department, shall conduct for each region a regional housing needs
12 analysis and, for each city and Metro, shall inventory existing housing stock and establish a
13 housing shortage analysis.

14 “(5) In developing the methodologies and conducting the analyses under this section, the
15 Oregon Department of Administrative Services may:

16 “(a) Consult or contract with subject matter experts, cities and Metro, regional solutions
17 centers described in ORS 284.754 (2) and other jurisdictions that have created or conducted
18 regional housing needs analyses;

19 “(b) Consider the most recent consolidated population forecast produced by the Portland
20 State University Population Research Center in making any relevant calculation or forecast;
21 and

22 “(c) Consider any other relevant existing analyses, data and other information collected
23 or produced by state agencies or public entities.

24 “SECTION 1a. (1) No later than July 1, 2020, the Oregon Department of Administrative
25 Services and the Department of Land Conservation and Development shall submit a report,
26 in the manner provided in ORS 192.245 to an appropriate interim committee of the Legislative
27 Assembly, that summarizes the findings of the regional housing needs analysis, inventory
28 of housing stock and housing shortage analysis conducted under section 1 (4) of this 2019
29 Act.

30 “(2) No later than January 31, 2021, the Department of Land Conservation and Develop-
31 ment, in consultation with Oregon Department of Administrative Services and the Housing
32 and Community Services Department, shall submit a report, in the manner provided in ORS
33 192.245, to the Legislative Assembly that evaluates:

34 “(a) Whether a regional housing needs analysis and housing shortage analysis described
35 in section 1 of this 2019 Act could appropriately allocate the housing shortage described
36 among the cities or local governments in a region;

37 “(b) How a regional housing needs analysis and housing shortage analysis may compare
38 to existing assessments of housing need and capacity conducted by local governments under
39 ORS 197.296 (3) and (10) in terms of:

40 “(A) Cost and cost effectiveness;

41 “(B) Reliability and accuracy;

42 “(C) Repeatability; and

43 “(D) Predictability;

44 “(c) How a regional housing needs analysis and housing shortage analysis may relate to
45 statewide planning goals related to housing and any rules and policies adopted pursuant to

1 these goals and ORS 197.295 to 197.314;

2 “(d) Whether different boundaries would be more appropriate for defining regions within
3 the regional housing needs analysis based on:

4 “(A) Relevance of data in appropriately defining a commuting, employment or housing
5 market; or

6 “(B) Ease or cost of collecting or analyzing data;

7 “(e) Other ways in which the regional housing needs analysis or housing shortage anal-
8 ysis could be improved; and

9 “(f) Whether the regional housing needs analysis, or an improved version, could serve
10 as an acceptable methodology statewide for land use planning relating to housing.

11 “(3) In preparing the report required under subsection (2) of this section, the Department
12 of Land Conservation and Development may consult or contract with other state agencies,
13 subject matter experts, private firms, local governments, regional solutions centers de-
14 scribed in ORS 284.754 (2) and other jurisdictions that have created or conducted regional
15 housing needs analyses.

16 “SECTION 2. Sections 3 to 5 of this 2019 Act are added to and made a part of ORS 197.295
17 to 197.314.

18 “SECTION 3. (1) A city with a population greater than 10,000 shall develop and adopt a
19 housing production strategy under this section no later than one year after:

20 “(a) The city’s deadline for completing a housing capacity analysis under ORS 197.296
21 (2)(a);

22 “(b) The city’s deadline for completing a housing capacity analysis under ORS 197.296
23 (10)(b); or

24 “(c) The date that housing capacity was allocated to the city by a metropolitan service
25 district under ORS 197.299 (2)(d).

26 “(2) A housing production strategy must include a list of specific actions, including the
27 adoption of measures and policies, that the city shall undertake to promote development
28 within the city to address a housing shortage identified under ORS 197.296 (6) for the most
29 recent 20-year period described in ORS 197.296 (2)(b). Actions under this subsection may in-
30 clude:

31 “(a) The reduction of financial and regulatory impediments to developing needed housing,
32 including removing or easing approval standards or procedures for needed housing at higher
33 densities or that is affordable; and

34 “(b) The creation of financial and regulatory incentives for development of needed hous-
35 ing, including creating incentives for needed housing at higher densities or that is affordable.

36 “(3) In creating a housing production strategy, a city shall review and consider:

37 “(a) Socioeconomic and demographic characteristics of households living in existing
38 needed housing;

39 “(b) Market conditions affecting the provision of needed housing;

40 “(c) Measures already adopted by the city to promote the development of needed housing;

41 “(d) Existing and expected barriers to the development of needed housing; and

42 “(e) For each action the city includes in its housing production strategy:

43 “(A) The schedule for its adoption;

44 “(B) The schedule for its implementation;

45 “(C) Its expected magnitude of impact on the development of needed housing; and

1 “(D) The time frame over which it is expected to impact needed housing.

2 “(4) A housing production strategy may not contain proposed changes to a comprehensive
3 plan or land use regulation. The adoption of a housing production strategy is not a land use
4 decision and is not subject to appeal or review except as provided in section 4 of this 2019
5 Act.

6 “SECTION 4. (1) No later than 20 days after a city’s adoption or amendment of a housing
7 production strategy under section 3 of this 2019 Act, a city shall submit the adopted strategy
8 or amended strategy to the Department of Land Conservation and Development.

9 “(2) The submission under subsection (1) of this section must include copies of:

10 “(a) The signed decision adopting the housing production strategy or amended strategy;

11 “(b) The text of the housing production strategy clearly indicating any amendments to
12 the most recent strategy submitted under this section;

13 “(c) A brief narrative summary of the housing production strategy; and

14 “(d) The information reviewed and considered under section 5 (2) of this 2019 Act.

15 “(3) On the same day the city submits notice of the housing production strategy or
16 amended strategy, the city shall provide a notice to persons that participated in the pro-
17 ceedings that led to the adoption of the strategy and requested notice in writing.

18 “(4) Within five days of receipt of the submission under subsection (1) of this section, the
19 department shall provide notice to persons described under ORS 197.615 (3).

20 “(5) The notices given under subsections (3) and (4) of this section must state:

21 “(a) How and where materials described in subsection (2) of this section may be freely
22 obtained;

23 “(b) That comments on the strategy may be submitted to the department within 90 days
24 after the department has received the submission; and

25 “(c) That there is no further right of appeal.

26 “(6) Based upon criteria adopted by the Land Conservation and Development Commission,
27 including any criteria adopted under section 5 (2) of this 2019 Act, the department shall,
28 within 120 days after receiving the submission under subsection (1) of this section:

29 “(a) Approve the housing production strategy;

30 “(b) Approve the housing production strategy, subject to further review and actions un-
31 der section 5 (2) of this 2019 Act; or

32 “(c) Remand the housing production strategy for further modification as identified by the
33 department.

34 “(7) A determination by the department under subsection (6) of this section is not a land
35 use decision and is final and not subject to appeal.

36 “SECTION 5. (1) The Land Conservation and Development Commission shall adopt crite-
37 ria for reviewing and identifying cities with a population greater than 10,000 that have not
38 sufficiently:

39 “(a) Achieved production of needed housing within their jurisdiction; or

40 “(b) Implemented a housing production strategy adopted under section 3 of this 2019 Act.

41 “(2) The criteria adopted by the commission under subsection (1) of this section may in-
42 clude the city’s:

43 “(a) Total unmet housing need as described in ORS 197.296 (6);

44 “(b) Unmet housing need in proportion to the city’s population;

45 “(c) Percentage of households identified as severely rent burdened as described in section

1 **1, chapter 47, Oregon Laws 2018;**

2 **“(d) Recent housing development;**

3 **“(e) Recent adoption of a housing production strategy under section 3 of this 2019 Act**
4 **or adoption of actions pursuant to a housing production strategy;**

5 **“(f) Recent or frequent previous identification by the Department of Land Conservation**
6 **and Development under this section; or**

7 **“(g) Other attributes that the commission considers relevant.**

8 **“(3) The department may periodically review cities under the criteria adopted under**
9 **subsection (2) of this section for the purposes of prioritizing actions by the department, in-**
10 **cluding:**

11 **“(a) Awarding available technical or financial resources;**

12 **“(b) Providing enhanced review and oversight of the city’s housing production strategy;**

13 **“(c) Entering into agreements with the city relating to the city’s modification or imple-**
14 **mentation of its housing production strategy; or**

15 **“(d) Petitioning the commission to act under ORS 197.319 to 197.335 to require the city**
16 **to comply with ORS 197.295 to 197.314 or statewide land use planning goals related to housing**
17 **or urbanization.**

18 **“SECTION 6.** ORS 197.296 is amended to read:

19 **“197.296. (1)(a) The provisions of subsections (2) to (9) of this section apply to metropolitan**
20 **service district regional framework plans and local government comprehensive plans for lands**
21 **within the urban growth boundary of a city that is located outside of a metropolitan service district**
22 **and has a population of 25,000 or more.**

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

28 **“(2)(a) [At periodic review pursuant to ORS 197.628 to 197.651 or at any other legislative review**
29 **of the comprehensive plan or regional framework plan that concerns the urban growth boundary and**
30 **requires the application of a statewide planning goal relating to buildable lands for residential use,]**

31 **A local government shall demonstrate that its comprehensive plan or regional framework plan pro-**
32 **vides sufficient buildable lands within the urban growth boundary established pursuant to statewide**
33 **planning goals to accommodate estimated housing needs for 20 years:**

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

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

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

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

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

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

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

45 **“(a) Inventory the supply of buildable lands within the urban growth boundary and determine**

1 the housing capacity of the buildable lands; and

2 “(b) Conduct an analysis of housing need by type and density range, in accordance with ORS
3 197.303 and statewide planning goals and rules relating to housing, to determine the number of units
4 and amount of land needed for each needed housing type 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 and need pursuant to subsection (3) of this section must be based on data relating
24 to land within the urban growth boundary that has been collected since the last [periodic] review
25 [or] **under subsection (2)(a)(B) of this section** [five years, whichever is greater]. The data shall
26 include:

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

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

30 “(C) Demographic and population trends;

31 “(D) Economic trends and cycles; and

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

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

38 “(c) A local government shall use data from a wider geographic area or use a time period for
39 economic cycles and trends longer than the time period described in paragraph (a) of this subsection
40 if the analysis of a wider geographic area or the use of a longer time period will provide more ac-
41 curate, complete and reliable data relating to trends affecting housing need than an analysis per-
42 formed pursuant to paragraph (a) of this subsection. The local government must clearly describe the
43 geographic area, time frame and source of data used in a determination performed under this para-
44 graph.

45 “(6) If the housing need determined pursuant to subsection (3)(b) of this section is greater than

1 the housing capacity determined pursuant to subsection (3)(a) of this section, the local government
2 shall take one or more of the following actions to accommodate the additional housing need:

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

10 “(b) Amend its comprehensive plan, regional framework plan, functional plan or land use regu-
11 lations to include new measures that demonstrably increase the likelihood that residential develop-
12 ment will occur at densities sufficient to accommodate housing needs for the next 20 years without
13 expansion of the urban growth boundary. A local government or metropolitan service district that
14 takes this action shall monitor and record the level of development activity and development density
15 by housing type following the date of the adoption of the new measures; or

16 “(c) Adopt a combination of the actions described in paragraphs (a) and (b) of this subsection.

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

26 “(8)(a) A local government outside a metropolitan service district that takes any actions under
27 subsection (6) or (7) of this section shall demonstrate that the comprehensive plan and land use
28 regulations comply with goals and rules adopted by the commission and implement ORS 197.295 to
29 197.314.

30 “(b) The local government shall determine the density and mix of housing types anticipated as
31 a result of actions taken under subsections (6) and (7) of this section and monitor and record the
32 actual density and mix of housing types achieved. The local government shall compare actual and
33 anticipated density and mix. The local government shall submit its comparison to the commission
34 at the next [*periodic review or at the next legislative*] review of its urban growth boundary[, *whichever*
35 *comes first*] **under subsection (2)(a) of this section.**

36 “(9) In establishing that actions and measures adopted under subsections (6) and (7) of this sec-
37 tion demonstrably increase the likelihood of higher density residential development, the local gov-
38 ernment shall at a minimum ensure that land zoned for needed housing is in locations appropriate
39 for the housing types identified under subsection (3) of this section and is zoned at density ranges
40 that are likely to be achieved by the housing market using the analysis in subsection (3) of this
41 section. Actions or measures, or both, may include but are not limited to:

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

43 “[*(b) Financial incentives for higher density housing;*]

44 “[*(c) Provisions permitting additional density beyond that generally allowed in the zoning district*
45 *in exchange for amenities and features provided by the developer;*]

1 “[(d) Removal or easing of approval standards or procedures;]
2 “[(e)] (b) Minimum density ranges;
3 “[(f)] (c) Redevelopment and infill strategies;
4 “[(g)] (d) Authorization of housing types not previously allowed by the plan or regulations;
5 “[(h)] (e) Adoption of an average residential density standard; and
6 “[(i)] (f) Rezoning or redesignation of nonresidential land.
7 “(10)(a) The provisions of this subsection apply to local government comprehensive plans for
8 lands within the urban growth boundary of a city that is located outside of a metropolitan service
9 district and has a population of less than 25,000.
10 “(b) [At periodic review pursuant to ORS 197.628 to 197.651 or at any other legislative review of
11 the comprehensive plan that requires the application of a statewide planning goal relating to buildable
12 lands for residential use,] **As required under paragraph (c) of this subsection**, a city shall, ac-
13 cording to rules of the commission:
14 “(A) Determine the estimated housing needs within the jurisdiction for the next 20 years;
15 “(B) Inventory the supply of buildable lands available within the urban growth boundary to ac-
16 commodate the estimated housing needs determined under this subsection; and
17 “(C) Adopt measures necessary to accommodate the estimated housing needs determined under
18 this subsection.
19 “(c) **The actions required under paragraph (b) of this subsection shall be undertaken:**
20 “(A) **At periodic review pursuant to ORS 197.628 to 197.651;**
21 “(B) **On a schedule established by the commission for cities with a population greater**
22 **than 10,000, not to exceed once each eight years; or**
23 “(C) **At any other legislative review of the comprehensive plan that requires the appli-**
24 **cation of a statewide planning goal relating to buildable lands for residential use.**
25 “[(c)] (d) For the purpose of the inventory described in this subsection, ‘buildable lands’ includes
26 those lands described in subsection (4)(a) of this section.
27 “**SECTION 7. On or before December 31, 2019, the Land Conservation and Development**
28 **Commission shall adopt a schedule by which metropolitan service districts and local govern-**
29 **ments described in ORS 197.296 (2)(a)(B) and (10)(c)(B) shall demonstrate sufficient buildable**
30 **lands.**
31 “**SECTION 8.** ORS 197.299 is amended to read:
32 “197.299. (1) A metropolitan service district organized under ORS chapter 268 shall complete the
33 inventory, determination and analysis required under ORS 197.296 (3) not later than six years after
34 completion of the previous inventory, determination and analysis.
35 “(2)(a) The metropolitan service district shall take such action as necessary under ORS 197.296
36 (6)(a) to accommodate one-half of a 20-year buildable land supply determined under ORS 197.296 (3)
37 within one year of completing the analysis.
38 “(b) The metropolitan service district shall take all final action under ORS 197.296 (6)(a) neces-
39 sary to accommodate a 20-year buildable land supply determined under ORS 197.296 (3) within two
40 years of completing the analysis.
41 “(c) The metropolitan service district shall take action under ORS 197.296 (6)(b), within one year
42 after the analysis required under ORS 197.296 (3)(b) is completed, to provide sufficient buildable land
43 within the urban growth boundary to accommodate the estimated housing needs for 20 years from
44 the time the actions are completed.
45 “(d) The metropolitan service district shall consider and adopt new measures that the governing

1 body deems appropriate under ORS 197.296 (6)(b) **and shall allocate any housing capacity that is**
2 **not accommodated under this section to be accommodated by the application of ORS 197.296**
3 **(6)(b) by cities within the metropolitan service district with a population greater than**
4 **10,000.**

5 “(e) **Cities to which housing capacity is allocated under paragraph (d) of this subsection**
6 **shall take steps described in ORS 197.296 (6)(b) to demonstrate sufficient residential devel-**
7 **opment as required by ORS 197.296 (6)(b) within two years after the date of allocation.**

8 “(3) The Land Conservation and Development Commission may grant an extension to the time
9 limits of subsection (2) of this section if the Director of the Department of Land Conservation and
10 Development determines that the metropolitan service district has provided good cause for failing
11 to meet the time limits.

12 “(4)(a) The metropolitan service district shall establish a process to expand the urban growth
13 boundary to accommodate a need for land for a public school that cannot reasonably be accommo-
14 dated within the existing urban growth boundary. The metropolitan service district shall design the
15 process to:

16 “(A) Accommodate a need that must be accommodated between periodic analyses of urban
17 growth boundary capacity required by subsection (1) of this section; and

18 “(B) Provide for a final decision on a proposal to expand the urban growth boundary within four
19 months after submission of a complete application by a large school district as defined in ORS
20 195.110.

21 “(b) At the request of a large school district, the metropolitan service district shall assist the
22 large school district to identify school sites required by the school facility planning process de-
23 scribed in ORS 195.110. A need for a public school is a specific type of identified land need under
24 ORS 197.298 (3).

25 “(5) Three years after completing its most recent demonstration of sufficient buildable lands
26 under ORS 197.296, a metropolitan service district may, on a single occasion, revise the determi-
27 nation and analysis required as part of the demonstration for the purpose of considering an amend-
28 ment to the metropolitan service district’s urban growth boundary, provided:

29 “(a) The metropolitan service district has entered into an intergovernmental agreement and has
30 designated rural reserves and urban reserves under ORS 195.141 and 195.145 with each county lo-
31 cated within the district;

32 “(b) The commission has acknowledged the rural reserve and urban reserve designations de-
33 scribed in paragraph (a) of this subsection;

34 “(c) One or more cities within the metropolitan service district have proposed a development
35 that would require expansion of the urban growth boundary;

36 “(d) The city or cities proposing the development have provided evidence to the metropolitan
37 service district that the proposed development would provide additional needed housing to the
38 needed housing included in the most recent determination and analysis;

39 “(e) The location chosen for the proposed development is adjacent to the city proposing the de-
40 velopment; and

41 “(f) The location chosen for the proposed development is located within an area designated and
42 acknowledged as an urban reserve.

43 “(6)(a) If a metropolitan service district, after revising its most recent determination and analy-
44 sis pursuant to subsection (5) of this section, concludes that an expansion of its urban growth
45 boundary is warranted, the metropolitan service district may take action to expand its urban growth

1 boundary in one or more locations to accommodate the proposed development, provided the urban
2 growth boundary expansion does not exceed a total of 1,000 acres.

3 “(b) A metropolitan service district that expands its urban growth boundary under this sub-
4 section:

5 “(A) Must adopt the urban growth boundary expansion not more than four years after complet-
6 ing its most recent demonstration of sufficient buildable lands under ORS 197.296; and

7 “(B) Is exempt from the boundary location requirements described in the statewide land use
8 planning goals relating to urbanization.

9 “**SECTION 9.** ORS 197.303 is amended to read:

10 “197.303. (1) As used in ORS [197.307] **197.295 to 197.314**, ‘needed housing’ means all housing
11 on land zoned for residential use or mixed residential and commercial use that is determined to meet
12 the need shown for housing within an urban growth boundary at price ranges and rent levels that
13 are affordable to households within the county with a variety of incomes, including but not limited
14 to households with low incomes, very low incomes and extremely low incomes, as those terms are
15 defined by the United States Department of Housing and Urban Development under 42 U.S.C. 1437a.
16 ‘Needed housing’ includes the following housing types:

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

19 “(b) Government assisted housing;

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

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

23 “(e) Housing for farmworkers.

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

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

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

27 “(3) A local government may take an exception under ORS 197.732 to the definition of ‘needed
28 housing’ in subsection (1) of this section in the same manner that an exception may be taken under
29 the goals.

30 “**SECTION 10.** ORS 197.319 is amended to read:

31 “197.319. (1) Before a person may request adoption of an enforcement order under ORS 197.320,
32 the person shall:

33 “(a) Present the reasons, in writing, for such an order to the affected local government; and

34 “(b) Request:

35 “(A) Revisions to the local comprehensive plan, land use regulations, special district cooperative
36 or urban service agreement or decision-making process which is the basis for the order; or

37 “(B) That an action be taken regarding the local comprehensive plan, land use regulations,
38 special district agreement, **housing production strategy** or decision-making process that is the
39 basis for the order.

40 “(2)(a) The local government or special district shall issue a written response to the request
41 within 60 days of the date the request is mailed to the local government or special district.

42 “(b) The requestor and the local government or special district may enter into mediation to re-
43 solve issues in the request. The Department of Land Conservation and Development shall provide
44 mediation services when jointly requested by the local government or special district and the
45 requestor.

1 “(c) If the local government or special district does not act in a manner which the requestor
2 believes is adequate to address the issues raised in the request within the time period provided in
3 paragraph (a) of this subsection, a petition may be presented to the Land Conservation and Devel-
4 opment Commission under ORS 197.324.

5 “(3) A metropolitan service district may request an enforcement order under ORS 197.320 (12)
6 without first complying with subsections (1) and (2) of this section.

7 “**SECTION 11.** ORS 197.320 is amended to read:

8 “197.320. The Land Conservation and Development Commission shall issue an order requiring
9 a local government, state agency or special district to take action necessary to bring its compre-
10 hensive plan, land use regulation, limited land use decisions or other land use decisions **or actions**
11 into compliance with the goals, acknowledged comprehensive plan provisions, [or] land use regu-
12 lations **or housing production strategy** if the commission has good cause to believe:

13 “(1) A comprehensive plan or land use regulation adopted by a local government not on a com-
14 pliance schedule is not in compliance with the goals by the date set in ORS 197.245 or 197.250 for
15 such compliance;

16 “(2) A plan, program, rule or regulation affecting land use adopted by a state agency or special
17 district is not in compliance with the goals by the date set in ORS 197.245 or 197.250 for such
18 compliance;

19 “(3) A local government is not making satisfactory progress toward performance of its compli-
20 ance schedule;

21 “(4) A state agency is not making satisfactory progress in carrying out its coordination agree-
22 ment or the requirements of ORS 197.180;

23 “(5) A local government has no comprehensive plan or land use regulation and is not on a
24 compliance schedule directed to developing the plan or regulation;

25 “(6) A local government has engaged in a pattern or practice of decision making that violates
26 an acknowledged comprehensive plan or land use regulation. In making its determination under this
27 subsection, the commission shall determine whether there is evidence in the record to support the
28 decisions made. The commission shall not judge the issue solely upon adequacy of the findings in
29 support of the decisions;

30 “(7) A local government has failed to comply with a commission order entered under ORS
31 197.644;

32 “(8) A special district has engaged in a pattern or practice of decision-making that violates an
33 acknowledged comprehensive plan or cooperative agreement adopted pursuant to ORS 197.020;

34 “(9) A special district is not making satisfactory progress toward performance of its obligations
35 under ORS chapters 195 and 197;

36 “(10) A local government’s approval standards, special conditions on approval of specific devel-
37 opment proposals or procedures for approval do not comply with ORS 197.307 (4) or (6);

38 “(11) A local government is not making satisfactory progress toward meeting its obligations
39 under ORS 195.065; [or]

40 “(12) A local government within the jurisdiction of a metropolitan service district has failed to
41 make changes to the comprehensive plan or land use regulations to comply with the regional
42 framework plan of the district or has engaged in a pattern or practice of decision-making that vio-
43 lates a requirement of the regional framework plan[.]; **or**

44 “**(13) A city is not making satisfactory progress in taking actions listed in its housing**
45 **production strategy under section 3 of this 2019 Act.”**

1 On page 9, delete lines 12 through 45.

2 On page 10, delete lines 1 through 4 and insert:

3 “**NOTE:** Sections 14 through 17 were deleted by amendment. Subsequent sections were not re-
4 numbered.”.

5 On page 21, delete lines 11 through 45 and delete pages 22 through 30 and insert:

6 “**SECTION 23.** ORS 455.062 is amended to read:

7 “455.062. (1) A Department of Consumer and Business Services employee acting within the scope
8 of that employment may provide typical plans and specifications:

9 “(a) For structures of a type for which the provision of plans or specifications is exempted under
10 ORS 671.030 from the application of ORS 671.010 to 671.220 and exempted under ORS 672.060 from
11 the application of ORS 672.002 to 672.325; and

12 “(b) Notwithstanding ORS 671.010 to 671.220 and 672.002 to 672.325, for structures that are
13 metal or wood frame Use and Occupancy Classification Group U structures under the structural
14 specialty code.

15 “(2) **A Department of Consumer and Business Services employee, who is licensed or reg-**
16 **istered under ORS 671.010 to 671.220 or 672.002 to 672.325, who is acting within the scope of**
17 **that employment and who is providing typical plans and specifications under subsection (1)**
18 **of this section, is not required to seal or sign the typical plans and specifications and is not**
19 **subject to disciplinary action under ORS 671.010 to 671.220 or 672.002 to 672.325 based on**
20 **providing those typical plans and specifications.**

21 “[2] (3) A building official or inspector, as those terms are defined in ORS 455.715, when acting
22 within the scope of direct employment by a municipality, may provide typical plans and specifica-
23 tions for structures of a type for which the provision of plans or specifications is exempted under
24 ORS 671.030 from the application of ORS 671.010 to 671.220 and exempted under ORS 672.060 from
25 the application of ORS 672.002 to 672.325.

26 “[3] This [section] **subsection** does not alter any applicable requirement under ORS 671.010 to
27 671.220 or 672.002 to 672.325 regarding stamps and seals for a set of plans for a structure.

28 “**SECTION 24. In addition to and not in lieu of any other appropriation, there is appro-**
29 **riated to the Land Conservation and Development Commission, for the biennium beginning**
30 **July 1, 2019, out of the General Fund, the amount of \$_____ , to make rules or take any**
31 **other actions necessary to implement sections 1a, 3 to 5 and 13 of this 2019 Act and the**
32 **amendments to ORS 197.296, 197.299, 197.303, 197.319, 197.320, 197.830, 215.416, 215.441, 227.175**
33 **and 227.500 by sections 6, 8 to 11 and 18 to 22 of this 2019 Act.**

34 “**SECTION 25. In addition to and not in lieu of any other appropriation, there is appro-**
35 **riated to the Department of Land Conservation and Development, for the biennium begin-**
36 **ning July 1, 2019, out of the General Fund, the amount of \$1,500,000, to provide technical**
37 **assistance to local governments to implement sections 3 to 5 and 13 of this 2019 Act and the**
38 **amendments to ORS 197.296, 197.299, 197.303, 197.319, 197.320, 197.830, 215.416, 215.441, 227.175**
39 **and 227.500 by sections 6, 8 to 11 and 18 to 22 of this 2019 Act.**

40 “**SECTION 26. (1) Sections 3 to 5 and 13 of this 2019 Act and the amendments to ORS**
41 **197.296, 197.299, 197.303, 197.319, 197.320, 197.830, 215.416, 215.441, 227.175, 227.500 and 455.062**
42 **by sections 6, 8 to 11 and 18 to 23 of this 2019 Act become operative on January 1, 2020.**

43 “(2) **The Oregon Department of Administrative Services, the Land Conservation and De-**
44 **velopment Commission, the Department of Land Conservation and Development and the**
45 **Housing and Community Services Department may take any action before the operative date**

1 specified in subsection (1) of this section that is necessary for the departments and the
2 commission to exercise, on or after the operative date specified in subsection (1) of this
3 section, all of the duties, functions and powers conferred on the departments and the com-
4 mission by sections 3 to 5 and 13 of this 2019 Act and the amendments to ORS 197.296,
5 197.299, 197.303, 197.319, 197.320, 197.830, 215.416, 215.441, 227.175, 227.500 and 455.062 by
6 sections 6, 8 to 11 and 18 to 23 this 2019 Act.

7 “SECTION 27. This 2019 Act being necessary for the immediate preservation of the public
8 peace, health and safety, an emergency is declared to exist, and this 2019 Act takes effect
9 on its passage.”.

10
