PROPOSED AMENDMENTS TO
A-ENGROSSED HOUSE BILL 2001

1   On page 2 of the printed A-engrossed bill, delete lines 7 through 15 and

2 insert:

3   "(2) Except as provided in subsection (4) of this section, each city with

4 a population of 25,000 or more and each county or city within a metropolitan

5 service district shall allow the development of:

6   "(a) All middle housing types in areas zoned for residential use that allow

7 for the development of detached single-family dwellings; and

8   "(b) A duplex on each lot or parcel zoned for residential use that allows

9 for the development of detached single-family dwellings.

10   "(3) Except as provided in subsection (4) of this section, each city not

11 within a metropolitan service district with a population of more than 10,000

12 and less than 25,000 shall allow the development of a duplex on each lot or

13 parcel zoned for residential use that allows for the development of detached

14 single-family dwellings. Nothing in this subsection prohibits a local govern-

15 ment from allowing middle housing types in addition to duplexes.".

16   Delete lines 25 through 31 and insert:

17   "(5) Local governments may regulate siting and design of middle housing

18 required to be permitted under this section, provided that the regulations do

19 not, individually or cumulatively, discourage the development of all middle

20 housing types permitted in the area through unreasonable costs or delay.

21 Local governments may regulate middle housing to comply with protective

1 measures adopted pursuant to statewide land use planning goals.".

2 Delete line 38 and insert:

3 "(a) June 30, 2021, for each city subject to section 2 (3) of this 2019 Act;

4 or".

5 On page 3, delete lines 10 through 13 and insert:

6 "(5) When a local government makes a legislative decision to amend its

7 comprehensive plan or land use regulations to allow middle housing in areas

8 zoned for residential use that allow for detached single-family dwellings, the

9 local government is not required to consider whether the amendments sig-

10 nificantly affect an existing or planned transportation facility.".

11 Delete lines 28 and 29 and insert:

12 "(4) A request for an extension by a local government must be filed with

13 the department no later than:

14 "(a) December 31, 2020, for a city subject to section 2 (3) of this 2019 Act.

15 "(b) June 30, 2021, for a local government subject to section 2 (2) of this

16 2019 Act.".

17 In line 30, after "section" insert ":

18 "(a) Within 90 days of receipt of a complete request from a city subject

19 to section 2 (3) of this 2019 Act.

20 "(b) Within 120 days of receipt of a complete request from a local gov-

21 ernment subject to section 2 (2) of this 2019 Act.".

22 Delete line 31.

23 In line 39, delete "and".

24 In line 40, delete the period and insert "; and

25 "(f) Establishing deadlines and components for the approval of a plan of

26 action.".

27 On page 4, line 37, restore "paragraphs (b) and (c)" and delete "paragraph

28 (b)".

29 In line 43, delete the second "and".

30 After line 43, insert:

1   "(C) Market factors that may substantially impact future urban residen-

2 tial development; and".

3   On <u>page 5</u>, line 1, delete "(C)" and insert "(D)".

4   Restore lines 8 through 13.

5   In line 8, delete "for eco-".

6   In line 9, delete "nomic cycles and trends".

7   In line 31, after "and" insert "data in".

8   In line 36, after "allow" insert "no greater than".

9   In line 39, after "allow" insert "no greater than".

10   In line 42, delete "215.416 and".

11   On <u>page 7</u>, line 4, delete "197.307" and insert "197.295 to 197.314".

12   In line 18, after the comma insert "as described in ORS 197.296 (3)(b),"

13   Delete line 20 and insert "related to changes in each of the following

14 factors since the last periodic or legislative review or six years, whichever

15 is greater, and the projected future changes in these factors over a 20-year

16 planning period:".

17   Delete line 26 and insert:

18   "(e) Housing costs.

19   "(3) A local government shall make the estimate described in subsection

20 (2) of this section using a shorter time period than since the last periodic

21 or legislative review or six years, whichever is greater, if the local govern-

22 ment finds that the shorter time period will provide more accurate and reli-

23 able data related to housing need. The shorter time period may not be less

24 than three years.

25   "(4) A local government shall use data from a wider geographic area or

26 use a time period longer than the time period described in subsection (2) of

27 this section if the analysis of a wider geographic area or the use of a longer

28 time period will provide more accurate, complete and reliable data relating

29 to trends affecting housing need than an analysis performed pursuant to

30 subsection (2) of this section. The local government must clearly describe the

1   geographic area, time frame and source of data used in an estimate per-

2   formed under this subsection.".

3   In line 27, delete "(3)" and insert "(5)".

4   In line 30, delete "(3)" and insert "(6)".

5   On page 10, delete lines 24 through 40 and insert:

6   "(8) The director, by rule, shall establish uniform standards for a

7   municipality to allow alternate approval of construction related to conver-

8   sions of single-family dwellings into no more than four residential dwelling

9   units built to the Low-Rise Residential Dwelling Code that received occu-

10 pancy approval prior to January 1, 2020. The standards established under this

11 subsection must include standards describing the information that must be

12 submitted before an application for alternate approval will be deemed com-

13 plete.

14   "(9)(a) A building official described in ORS 455.148 or 455.150 must ap-

15 prove or deny an application for alternate approval under subsection (8) of

16 this section no later than 15 business days after receiving a complete appli-

17 cation.

18   "(b) A building official who denies an application for alternate approval

19 under this subsection shall provide to the applicant:

20   "(A) A written explanation of the basis for the denial; and

21   "(B) A statement that describes the applicant's appeal rights under sub-

22 section (10) of this section.

23   "(10)(a) An appeal from a denial under subsection (9) of this section must

24 be made through a municipal administrative process. A municipality shall

25 provide an administrative process that:

26   "(A) Is other than a judicial proceeding in a court of law; and

27   "(B) Affords the party an opportunity to appeal the denial before an in-

28 dividual, department or body that is other than a plan reviewer, inspector

29 or building official for the municipality.

30   "(b) A decision in an administrative process under this subsection must

1 be completed no later than 30 business days after the building official re-

2 ceives notice of the appeal.

3 "(c) Notwithstanding ORS 455.690, a municipal administrative process re-

4 quired under this subsection is the exclusive means for appealing a denial

5 under subsection (9) of this section.

6 "(11) The costs incurred by a municipality under subsections (9) and (10)

7 of this section are building inspection program administration and enforce-

8 ment costs for the purpose of fee adoption under ORS 455.210.".

9 On page 11, delete lines 10 through 15 and insert:

10 **"SECTION 13. A provision in a recorded instrument affecting real**

11 **property is not enforceable if:**

12 **"(1) The provision would allow the development of a single-family**

13 **dwelling on the real property but would prohibit the development of:**

14 **"(a) Middle housing, as defined in section 2 of this 2019 Act; or**

15 **"(b) An accessory dwelling unit allowed under ORS 197.312 (5); and**

16 **"(2) The instrument was executed on or after the effective date of**

17 **this 2019 Act.".**

18 Delete lines 25 through 31.

19 In line 32, delete "16" and insert "15".

20 In line 34, delete "$3,000,000" and insert "$3,500,000".

21 In line 40, delete "17" and insert "16".

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