

Requested by Representative Kotek

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

1 On page 1 of the printed B-engrossed bill, line 4, after “2018” insert “, and
2 section 3, chapter 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**
5 **Act (amending ORS 197.296) is repealed and ORS 197.296, as amended**
6 **by section 5, chapter _____, Oregon Laws 2019 (Enrolled House Bill**
7 **2001), is amended to read:**

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

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

19 “(2)(a) *[At periodic review pursuant to ORS 197.628 to 197.651 or at any*
20 *other legislative review of the comprehensive plan or regional framework plan*

1 *that concerns the urban growth boundary and requires the application of a*
2 *statewide planning goal relating to buildable lands for residential use,]* A lo-
3 cal government shall demonstrate that its comprehensive plan or regional
4 framework plan provides sufficient buildable lands within the urban growth
5 boundary established pursuant to statewide planning goals to accommodate
6 estimated housing needs for 20 years:

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

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

9 **“(i) At least once each eight years for local governments that are**
10 **not within a metropolitan service district; or**

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

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

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

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

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

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

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

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

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

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

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

6 “(b) For the purpose of the inventory and determination of housing ca-
7 pacity described in subsection (3)(a) of this section, the local government
8 must demonstrate consideration of:

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

12 “(B) A written long term contract or easement for radio, telecommuni-
13 cations or electrical facilities, if the written contract or easement is provided
14 to the local government; and

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

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

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

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

29 “(B) Trends in density and average mix of housing types of urban resi-
30 dential development;

1 “(C) Market factors that may substantially impact future urban residen-
2 tial development; and

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

5 “(b) A local government shall make the determination described in para-
6 graph (a) of this subsection using a shorter time period than the time period
7 described in paragraph (a) of this subsection if the local government finds
8 that the shorter time period will provide more accurate and reliable data
9 related to housing capacity. The shorter time period may not be less than
10 three years.

11 “(c) A local government shall use data from a wider geographic area or
12 use a time period longer than the time period described in paragraph (a) of
13 this subsection if the analysis of a wider geographic area or the use of a
14 longer time period will provide more accurate, complete and reliable data
15 relating to trends affecting housing need than an analysis performed pursu-
16 ant to paragraph (a) of this subsection. The local government must clearly
17 describe the geographic area, time frame and source of data used in a de-
18 termination performed under this paragraph.

19 “(6) If the housing need determined pursuant to subsection (3)(b) of this
20 section is greater than the housing capacity determined pursuant to sub-
21 section (3)(a) of this section, the local government shall take one or both of
22 the following actions to accommodate the additional housing need:

23 “(a) Amend its urban growth boundary to include sufficient buildable
24 lands to accommodate housing needs for the next 20 years. As part of this
25 process, the local government shall consider the effects of measures taken
26 pursuant to paragraph (b) of this subsection. The amendment shall include
27 sufficient land reasonably necessary to accommodate the siting of new public
28 school facilities. The need and inclusion of lands for new public school fa-
29 cilities shall be a coordinated process between the affected public school
30 districts and the local government that has the authority to approve the ur-

1 ban growth boundary.

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

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

23 “(7) Using the housing need analysis conducted under subsection (3)(b)
24 of this section, the local government shall determine the overall average
25 density and overall mix of housing types at which residential development
26 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 develop-
28 ment determined under subsection (5)(a)(A) of this section, or if that mix is
29 different from the actual mix of housing types determined under subsection
30 (5)(a)(A) of this section, the local government, as part of its periodic review,

1 shall adopt measures that demonstrably increase the likelihood that resi-
2 dential development will occur at the housing types and density and at the
3 mix of housing types required to meet housing needs over the next 20 years.

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

8 “(b) A local government shall determine the density and mix of housing
9 types anticipated as a result of actions taken under subsections (6) and (7)
10 of this section and monitor and record the actual density and mix of housing
11 types achieved following the adoption of these actions. The local government
12 shall compare actual and anticipated density and mix. The local government
13 shall submit its comparison to the commission at the next [*periodic review*
14 *or at the next legislative*] review of its urban growth boundary[, *whichever*
15 *comes first*] **under subsection (2)(a) of this section.**

16 “(9) In establishing that actions and measures adopted under subsections
17 (6) and (7) of this section demonstrably increase the likelihood of higher
18 density residential development, the local government shall at a minimum
19 ensure that land zoned for needed housing is in locations appropriate for the
20 housing types identified under subsection (3) of this section, is zoned at
21 density ranges that are likely to be achieved by the housing market using
22 the analysis in subsection (3) of this section and is in areas where sufficient
23 urban services are planned to enable the higher density development to occur
24 over the 20-year period. Actions or measures, or both, may include but are
25 not limited to:

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

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

28 “(c) Provisions permitting additional density beyond that generally al-
29 lowed in the zoning district in exchange for amenities and features provided
30 by the developer;

- 1 “(d) Removal or easing of approval standards or procedures;
2 “(e) Minimum density ranges;
3 “(f) Redevelopment and infill strategies;
4 “(g) Authorization of housing types not previously allowed by the plan
5 or regulations;
6 “(h) Adoption of an average residential density standard; and
7 “(i) Rezoning or redesignation of nonresidential land.

8 “(10)(a) The provisions of this subsection apply to local government com-
9 prehensive plans for lands within the urban growth boundary of a city that
10 is located outside of a metropolitan service district and has a population of
11 less than 25,000.

12 “(b) [*At periodic review pursuant to ORS 197.628 to 197.651 or at any other*
13 *legislative review of the comprehensive plan that requires the application of a*
14 *statewide planning goal relating to buildable lands for residential use,]* **As**
15 **required under paragraph (c) of this subsection**, a city shall, according
16 to rules of the commission:

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

19 “(B) Inventory the supply of buildable lands available within the urban
20 growth boundary to accommodate the estimated housing needs determined
21 under this subsection; and

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

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

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

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

30 “(C) **At any other legislative review of the comprehensive plan that**

1 **requires the application of a statewide planning goal relating to**
2 **buildable lands for residential use.**

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

6 On page 11, after line 29, insert:

7 **“SECTION 10a. If House Bill 2001 becomes law, section 10 of this**
8 **2019 Act (amending ORS 197.303) is repealed and ORS 197.303, as**
9 **amended by section 6, chapter _____, Oregon Laws 2019 (Enrolled**
10 **House Bill 2001), is amended to read:**

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

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

22 “(b) Government assisted housing;

23 “(c) Mobile home or manufactured dwelling parks as provided in ORS
24 197.475 to 197.490;

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

28 “(e) Housing for farmworkers.

29 “(2) For the purpose of estimating housing needs, as described in ORS
30 197.296 (3)(b), a local government shall use the population projections pre-

1 scribed by ORS 195.033 or 195.036 and shall consider and adopt findings re-
2 lated to changes in each of the following factors since the last [*periodic or*
3 *legislative review or six years, whichever is greater,*] **review under ORS**
4 **197.296 (2)(a)(B)** and the projected future changes in these factors over a
5 20-year planning period:

6 “(a) Household sizes;

7 “(b) Household demographics [*in terms of age, gender, race or other es-*
8 *tablished demographic category*];

9 “(c) Household incomes;

10 “(d) Vacancy rates; and

11 “(e) Housing costs.

12 “(3) A local government shall make the estimate described in subsection
13 (2) of this section using a shorter time period than since the last [*periodic*
14 *or legislative review or six years, whichever is greater,*] **review under ORS**
15 **197.296 (2)(a)(B)** if the local government finds that the shorter time period
16 will provide more accurate and reliable data related to housing need. The
17 shorter time period may not be less than three years.

18 “(4) A local government shall use data from a wider geographic area or
19 use a time period longer than the time period described in subsection (2) of
20 this section if the analysis of a wider geographic area or the use of a longer
21 time period will provide more accurate, complete and reliable data relating
22 to trends affecting housing need than an analysis performed pursuant to
23 subsection (2) of this section. The local government must clearly describe the
24 geographic area, time frame and source of data used in an estimate per-
25 formed under this subsection.

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

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

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

29 “(6) A local government may take an exception under ORS 197.732 to the
30 definition of ‘needed housing’ in subsection (1) of this section in the same

1 manner that an exception may be taken under the goals.”.

2 On page 23, after line 9, insert:

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

6 “455.062. (1) A Department of Consumer and Business Services employee
7 acting within the scope of that employment may provide typical drawings
8 and specifications:

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

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

16 “(2) A Department of Consumer and Business Services employee, who is
17 licensed or registered under ORS 671.010 to 671.220 or 672.002 to 672.325, who
18 is acting within the scope of that employment and who is providing typical
19 [*plans*] **drawings** and specifications under subsection (1) of this section, is
20 not required to seal or sign the typical [*plans*] **drawings** and specifications
21 and is not subject to disciplinary action under ORS 671.010 to 671.220 or
22 672.002 to 672.325 based on providing those typical [*plans*] **drawings** and
23 specifications.

24 “(3) A building official or inspector, as those terms are defined in ORS
25 455.715, when acting within the scope of direct employment by a munici-
26 pality, may provide typical drawings or specifications for structures of a type
27 for which the provision of drawings or specifications is exempted under ORS
28 671.030 from the application of ORS 671.010 to 671.220 and exempted under
29 ORS 672.060 from the registration requirements of ORS 672.002 to 672.325.
30 This subsection does not alter any applicable requirement under ORS 671.010

1 to 671.220 or 672.002 to 672.325 regarding stamps and seals for a set of plans
2 for a structure.

3 **“SECTION 21b.** If Senate Bill 39 becomes law, section 3, chapter 97,
4 Oregon Laws 2019 (Enrolled Senate Bill 39), is amended to read:

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

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