

## HOUSE AMENDMENTS TO HOUSE BILL 4015

By COMMITTEE ON RULES

February 25

1 In line 2 of the printed bill, after “housing;” insert “creating new provisions; amending ORS  
2 197.290 and 197.299 and sections 7 and 22, chapter 640, Oregon Laws 2019;”.

3 Delete lines 4 through 7 and insert:

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

5 **“(a) ‘Accessory dwelling unit’ has the meaning given that term in ORS 215.501.**

6 **“(b) ‘ADU community pilot program’ means one or more programs established, imple-  
7 mented and operated by a nonprofit organization to invest in developing accessory dwelling  
8 units for eligible homeowners and available for lease by eligible tenants.**

9 **“(c) ‘Area median income’ has the meaning given that term in ORS 458.610.**

10 **“(d) ‘Eligible homeowner’ means a person or household that owns and resides in a home  
11 and has an income at or below the area median income.**

12 **“(e) ‘Eligible tenant’ means a person or household with an income that is below 60 per-  
13 cent of the area median income.**

14 **“(f) ‘Nonprofit organization’ means an organization or group of organizations that is de-  
15 scribed in section 501(c)(3) of the Internal Revenue Code and is exempt from income tax  
16 under section 501(a) of the Internal Revenue Code.**

17 **“(2) The Housing and Community Services Department shall provide a grant to a  
18 nonprofit organization to fund ADU community pilot programs developed by the organization  
19 or its subgrantees that must:**

20 **“(a) Assess the suitability of an eligible homeowner’s property for siting and construction  
21 of an accessory dwelling unit;**

22 **“(b) Provide or assist with the financing, documentation, siting, construction and cleanup  
23 of an accessory dwelling unit on an eligible homeowner’s property;**

24 **“(c) Identify, screen and enter into lease agreements with eligible tenants who will reside  
25 in accessory dwelling units developed under the program on an eligible homeowner’s prop-  
26 erty;**

27 **“(d) Provide professional property management services for the eligible homeowner; and**

28 **“(e) Require that eligible homeowners maintain the accessory dwelling units as affordable  
29 to eligible tenants for a period of no less than 10 years.**

30 **“(3) The nonprofit organization receiving a grant under subsection (2) of this section may  
31 distribute grant funds to subgrantees that are nonprofit organizations for ADU community  
32 pilot programs described in subsection (2) of this section.**

33 **“(4) Upon being awarded a grant under this section, the grant recipient shall enter into  
34 an agreement with the department that:**

35 **“(a) Indicates the purposes for which the grant funds may be used;**

1       “(b) Includes the repayment provisions set forth in subsection (5) of this section;

2       “(c) Permits the department to conduct audits and monitoring of the grant recipient re-

3       garding the purposes for which grant funds have been used; and

4       “(d) Requires the grant recipient to report on the use of funds in a manner described by

5       the department.

6       “(5)(a) The grant recipient shall repay to the department, in whole or in part, grant funds

7       received under this section, to the extent that:

8       “(A) The grant recipient does not use the grant funds in accordance with the provisions

9       of the grant agreement executed between the department and the grant recipient under

10       subsection (4) of this section; or

11       “(B) The Director of the Housing and Community Services Department determines that

12       the grant recipient must repay all or part of the grant funds on grounds of misappropriation,

13       fraud or similar reasons after monitoring the grant recipient’s operations and conducting

14       an administrative hearing under ORS 183.413 to 183.470.

15       “(b) Funds received by the department under this subsection shall be paid into the State

16       Treasury and credited to the General Housing Account created under ORS 458.620.

17       “SECTION 2. Section 1 of this 2020 Act is repealed on January 2, 2022.

18       “SECTION 3. No later than September 15, 2023, the Housing and Community Services

19       Department shall provide a report to an appropriate interim committee of the Legislative

20       Assembly in the manner provided under ORS 192.245 on the ADU community pilot programs

21       established under section 1 of this 2020 Act, including the amounts expended and information

22       reported by the grant recipient.

23       “SECTION 4. Section 5 of this 2020 Act is added to and made a part of ORS 197.286 to

24       197.314.

25       “SECTION 5. (1) At least once every six years, by a date scheduled by the Land Conser-

26       vation and Development Commission, a city that is within a metropolitan service district and

27       has a population greater than 10,000 shall:

28       “(a) Inventory the supply of buildable lands within the city and determine the housing

29       capacity of the buildable lands; and

30       “(b) Conduct an analysis of the city’s existing and projected needed housing and statewide

31       planning goals and rules related to housing by type, mix and density range to determine the

32       number of units and amount of land needed for each needed housing type for the next 20

33       years.

34       “(2) The housing capacity and needed housing analysis conducted under this section must

35       be adopted as part of the city’s comprehensive plan no later than one year after completion

36       of the needed housing analysis.

37       “(3) If the housing capacity and needed housing analysis conducted under this section

38       demonstrate a housing need, the city shall amend its comprehensive plan or land use regu-

39       lations to include new measures that demonstrably increase the likelihood that development

40       of needed housing will occur for the type, mix and densities sufficient to accommodate

41       needed housing for the next 20 years.

42       “SECTION 6. ORS 197.290 is amended to read:

43       “197.290. (1) A city with a population greater than 10,000 shall develop and adopt a housing

44       production strategy under this section no later than one year after[:]

45       “[(a)] the city’s deadline for completing a housing capacity analysis under ORS 197.296 (2)(a)[:]

1 **or (10)(b) or section 5 of this 2020 Act.**

2 “[*(b) The city’s deadline for completing a housing capacity analysis under ORS 197.296 (10)(b);*  
3 *or]*

4 “[*(c) A date scheduled by the Land Conservation and Development Commission following the allo-*  
5 *cation of housing capacity to the city by a metropolitan service district under ORS 197.299 (2)(d).]*

6 “(2) A housing production strategy must include a list of specific actions, including the adoption  
7 of measures and policies, that the city shall undertake to promote development within the city to  
8 address a housing need identified under ORS 197.296 (6)(b) [*for the most recent 20-year period de-*  
9 *scribed in ORS 197.296 (2)(b)]* **or (10)(b) or section 5 of this 2020 Act.** Actions under this sub-  
10 section may include:

11 “(a) The reduction of financial and regulatory impediments to developing needed housing, in-  
12 cluding removing or easing approval standards or procedures for needed housing at higher densities  
13 or that is affordable;

14 “(b) The creation of financial and regulatory incentives for development of needed housing, in-  
15 cluding creating incentives for needed housing at higher densities or that is affordable; and

16 “(c) The development of a plan to access resources available at local, regional, state and na-  
17 tional levels to increase the availability and affordability of needed housing.

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

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

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

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

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

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

25 “(A) The schedule for its adoption;

26 “(B) The schedule for its implementation;

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

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

29 “(4) The housing production strategy must include within its index a copy of the city’s most  
30 recently completed survey under ORS 456.586 (2).

31 “(5) The adoption of a housing production strategy is not a land use decision and is not subject  
32 to appeal or review except as provided in ORS 197.291.

33 “**SECTION 7.** ORS 197.299 is amended to read:

34 “197.299. (1) A metropolitan service district organized under ORS chapter 268 shall complete the  
35 inventory, determination and analysis required under ORS 197.296 (3) not later than six years after  
36 completion of the previous inventory, determination and analysis.

37 “(2)(a) The metropolitan service district shall take such action as necessary under ORS 197.296  
38 (6)(a) to accommodate one-half of a 20-year buildable land supply determined under ORS 197.296 (3)  
39 within one year of completing the analysis.

40 “(b) The metropolitan service district shall take all final action under ORS 197.296 (6)(a) neces-  
41 sary to accommodate a 20-year buildable land supply determined under ORS 197.296 (3) within two  
42 years of completing the analysis.

43 “(c) The metropolitan service district shall take action under ORS 197.296 (6)(b), within one year  
44 after the analysis required under ORS 197.296 (3)(b) is completed, to provide sufficient buildable land  
45 within the urban growth boundary to accommodate the estimated housing needs for 20 years from

1 the time the actions are completed.

2 “(d) The metropolitan service district shall consider and adopt new measures that the governing  
3 body deems appropriate under ORS 197.296 (6)(b). [*and shall allocate any housing capacity that is not*  
4 *accommodated under this section to be accommodated by the application of ORS 197.296 (6)(b) by cities*  
5 *within the metropolitan service district with a population greater than 10,000.*]

6 “[*(e) Cities to which housing capacity is allocated under paragraph (d) of this subsection shall take*  
7 *steps, at least once every six years as scheduled by the Land Conservation and Development Commis-*  
8 *sion, to demonstrably increase the likelihood that residential development will occur at densities suffi-*  
9 *cient to accommodate housing needs for the next 20 years as required by ORS 197.296 (6)(b).*]

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

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

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

19 “(B) Provide for a final decision on a proposal to expand the urban growth boundary within four  
20 months after submission of a complete application by a large school district as defined in ORS  
21 195.110.

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

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

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

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

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

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

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

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

44 “(6)(a) If a metropolitan service district, after revising its most recent determination and analy-  
45 sis pursuant to subsection (5) of this section, concludes that an expansion of its urban growth

1 boundary is warranted, the metropolitan service district may take action to expand its urban growth  
2 boundary in one or more locations to accommodate the proposed development, provided the urban  
3 growth boundary expansion does not exceed a total of 1,000 acres.

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

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

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

10 “**SECTION 8.** Section 7, chapter 640, Oregon Laws 2019, is amended to read:

11 “**Sec. 7.** No later than December 31, [2019] **2020**, the Land Conservation and Development  
12 Commission shall adopt a schedule by which metropolitan service districts and cities described in  
13 ORS 197.296 (2)(a)(B) and (10)(c)(B) **and section 5 of this 2020 Act** shall demonstrate sufficient  
14 buildable lands. Dates in the schedule may not be earlier than two years following the commission’s  
15 creation of rules implementing [sections 4 to 6 of this 2019 Act] **ORS 197.290, 197.291 and 197.293**  
16 and the amendments to ORS 197.296 and 197.299 by sections [8] **8a** and 9 [of this 2019 Act], **chapter**  
17 **640, Oregon Laws 2019.**

18 “**SECTION 9.** Section 22, chapter 640, Oregon Laws 2019, is amended to read:

19 “**Sec. 22.** In addition to and not in lieu of any other appropriation, there is appropriated to the  
20 Department of Land Conservation and Development, for the biennium beginning July 1, 2019, out  
21 of the General Fund, the amount of \$1,000,000, to provide:

22 “(1) Technical assistance to local governments to implement [sections 4 to 6 and 15 of this 2019  
23 Act] **ORS 197.290, 197.291, 197.293 and 197.779** and the amendments to ORS 197.296, 197.299,  
24 197.303, 197.319, 197.320, 215.416, 215.441, 227.175, [and] 227.500 and [section 1, chapter 47, Oregon  
25 Laws 2018,] **456.586** by sections [8] **8a, 9, 10a and 11** to 13 and 17 to 20, **chapter 640, Oregon Laws**  
26 **2019; and** [of this 2019 Act.]

27 “(2) **Technical assistance to local governments to increase the affordability and avail-**  
28 **ability of housing within their jurisdictions.**

29 “**SECTION 10.** In addition to and not in lieu of any other appropriation, there is appro-  
30 priated to the Housing and Community Services Department, for the biennium ending June  
31 **30, 2021, out of the General Fund, the amount of \$960,000, to award a grant under section 1**  
32 **(2) of this 2020 Act to the Hacienda Community Development Corporation.”.**

33 In line 8, delete “2” and insert “11”.  
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