

Requested by Representative KOTEK

**PROPOSED AMENDMENTS TO
HOUSE BILL 4015**

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

4 Delete lines 4 through 7 and insert:

5 **“SECTION 1. Section 2 of this 2020 Act is added to and made a part**
6 **of ORS 197.286 to 197.314.**

7 **“SECTION 2. (1) At least once every six years, by a date scheduled**
8 **by the Land Conservation and Development Commission, a city that**
9 **is within a metropolitan service district and has a population greater**
10 **than 10,000 shall:**

11 **“(a) Inventory the supply of buildable lands within the city and de-**
12 **termine the housing capacity of the buildable lands; and**

13 **“(b) Conduct an analysis of the city’s existing and projected needed**
14 **housing and statewide planning goals and rules related to housing by**
15 **type, mix and density range to determine the number of units and**
16 **amount of land needed for each needed housing type for the next 20**
17 **years.**

18 **“(2) The housing capacity and needed housing analysis conducted**
19 **under this section must be adopted as part of the city’s comprehensive**
20 **plan no later than one year after completion of the needed housing**
21 **analysis.**

1 **“(3) If the housing capacity and needed housing analysis conducted**
2 **under this section demonstrate a housing need, the city shall amend**
3 **its comprehensive plan or land use regulations to include new meas-**
4 **ures that demonstrably increase the likelihood that development of**
5 **needed housing will occur for the type, mix and densities sufficient to**
6 **accommodate needed housing for the next 20 years.**

7 **“SECTION 3.** ORS 197.290 is amended to read:

8 “197.290. (1) A city with a population greater than 10,000 shall develop
9 and adopt a housing production strategy under this section no later than one
10 year after[.]

11 “~~[(a)]~~ the city’s deadline for completing a housing capacity analysis under
12 ORS 197.296 (2)(a)[,] **or (10)(b) or section 2 of this 2020 Act.**

13 “~~[(b) The city’s deadline for completing a housing capacity analysis under~~
14 ~~ORS 197.296 (10)(b); or]~~

15 “~~[(c) A date scheduled by the Land Conservation and Development Com-~~
16 ~~mission following the allocation of housing capacity to the city by a metropol-~~
17 ~~itan service district under ORS 197.299 (2)(d).]~~

18 “(2) A housing production strategy must include a list of specific actions,
19 including the adoption of measures and policies, that the city shall undertake
20 to promote development within the city to address a housing need identified
21 under ORS 197.296 (6)(b) [*for the most recent 20-year period described in ORS*
22 *197.296 (2)(b)]* **or (10)(b) or section 2 of this 2020 Act.** Actions under this
23 subsection may include:

24 “(a) The reduction of financial and regulatory impediments to developing
25 needed housing, including removing or easing approval standards or proce-
26 dures for needed housing at higher densities or that is affordable;

27 “(b) The creation of financial and regulatory incentives for development
28 of needed housing, including creating incentives for needed housing at higher
29 densities or that is affordable; and

30 “(c) The development of a plan to access resources available at local, re-

1 gional, state and national levels to increase the availability and affordability
2 of needed housing.

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

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

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

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

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

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

13 “(A) The schedule for its adoption;

14 “(B) The schedule for its implementation;

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

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

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

20 “(5) The adoption of a housing production strategy is not a land use de-
21 cision and is not subject to appeal or review except as provided in ORS
22 197.291.

23 **“SECTION 4.** ORS 197.299 is amended to read:

24 “197.299. (1) A metropolitan service district organized under ORS chapter
25 268 shall complete the inventory, determination and analysis required under
26 ORS 197.296 (3) not later than six years after completion of the previous in-
27 ventory, determination and analysis.

28 “(2)(a) The metropolitan service district shall take such action as neces-
29 sary under ORS 197.296 (6)(a) to accommodate one-half of a 20-year buildable
30 land supply determined under ORS 197.296 (3) within one year of completing

1 the analysis.

2 “(b) The metropolitan service district shall take all final action under
3 ORS 197.296 (6)(a) necessary to accommodate a 20-year buildable land supply
4 determined under ORS 197.296 (3) within two years of completing the analy-
5 sis.

6 “(c) The metropolitan service district shall take action under ORS 197.296
7 (6)(b), within one year after the analysis required under ORS 197.296 (3)(b)
8 is completed, to provide sufficient buildable land within the urban growth
9 boundary to accommodate the estimated housing needs for 20 years from the
10 time the actions are completed.

11 “(d) The metropolitan service district shall consider and adopt new
12 measures that the governing body deems appropriate under ORS 197.296
13 (6)(b). *[and shall allocate any housing capacity that is not accommodated un-
14 der this section to be accommodated by the application of ORS 197.296 (6)(b)
15 by cities within the metropolitan service district with a population greater than
16 10,000.]*

17 “[*(e) Cities to which housing capacity is allocated under paragraph (d) of
18 this subsection shall take steps, at least once every six years as scheduled by
19 the Land Conservation and Development Commission, to demonstrably increase
20 the likelihood that residential development will occur at densities sufficient to
21 accommodate housing needs for the next 20 years as required by ORS 197.296
22 (6)(b).*]

23 “(3) The commission may grant an extension to the time limits of sub-
24 section (2) of this section if the Director of the Department of Land Con-
25 servation and Development determines that the metropolitan service district
26 has provided good cause for failing to meet the time limits.

27 “(4)(a) The metropolitan service district shall establish a process to ex-
28 pand the urban growth boundary to accommodate a need for land for a public
29 school that cannot reasonably be accommodated within the existing urban
30 growth boundary. The metropolitan service district shall design the process

1 to:

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

5 “(B) Provide for a final decision on a proposal to expand the urban
6 growth boundary within four months after submission of a complete appli-
7 cation by a large school district as defined in ORS 195.110.

8 “(b) At the request of a large school district, the metropolitan service
9 district shall assist the large school district to identify school sites required
10 by the school facility planning process described in ORS 195.110. A need for
11 a public school is a specific type of identified land need under ORS 197.298
12 (3).

13 “(5) Three years after completing its most recent demonstration of suffi-
14 cient buildable lands under ORS 197.296, a metropolitan service district may,
15 on a single occasion, revise the determination and analysis required as part
16 of the demonstration for the purpose of considering an amendment to the
17 metropolitan service district’s urban growth boundary, provided:

18 “(a) The metropolitan service district has entered into an intergovern-
19 mental agreement and has designated rural reserves and urban reserves un-
20 der ORS 195.141 and 195.145 with each county located within the district;

21 “(b) The commission has acknowledged the rural reserve and urban re-
22 serve designations described in paragraph (a) of this subsection;

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

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

30 “(e) The location chosen for the proposed development is adjacent to the

1 city proposing the development; and

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

4 “(6)(a) If a metropolitan service district, after revising its most recent
5 determination and analysis pursuant to subsection (5) of this section, con-
6 cludes that an expansion of its urban growth boundary is warranted, the
7 metropolitan service district may take action to expand its urban growth
8 boundary in one or more locations to accommodate the proposed develop-
9 ment, provided the urban growth boundary expansion does not exceed a total
10 of 1,000 acres.

11 “(b) A metropolitan service district that expands its urban growth
12 boundary under this subsection:

13 “(A) Must adopt the urban growth boundary expansion not more than
14 four years after completing its most recent demonstration of sufficient
15 buildable lands under ORS 197.296; and

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

18 “**SECTION 5.** Section 7, chapter 640, Oregon Laws 2019, is amended to
19 read:

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

29 “**SECTION 6.** Section 22, chapter 640, Oregon Laws 2019, is amended to
30 read:

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

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

11 “(2) **Technical assistance to local governments to increase the**
12 **affordability and availability of housing within their jurisdictions.”.**

13 In line 8, delete “2” and insert “7”.

14
