

Requested by Representative ZIKA

**PROPOSED AMENDMENTS TO
HOUSE BILL 3040**

1 Delete lines 4 through 11 of the printed bill and insert:

2 **“SECTION 1. (1)(a) The Housing and Community Services Depart-**
3 **ment, in consultation with the Department of Land Conservation and**
4 **Development, the Department of Environmental Quality, the Depart-**
5 **ment of Revenue and the Oregon Business Development Department,**
6 **shall conduct a comprehensive study of system development charges**
7 **as defined in ORS 223.299.**

8 **“(b) The scope of the study shall include:**

9 **“(A) The role that system development charges play as both cost**
10 **drivers for market-rate housing and sources of revenue for**
11 **infrastructure needed for housing;**

12 **“(B) The full range of factors that contribute to system develop-**
13 **ment charge fee rates; and**

14 **“(C) All types of market-rate housing, including single-family,**
15 **multifamily and manufactured housing.**

16 **“(c)(A) The Housing and Community Services Department shall**
17 **consult with local governments, special districts, developers, realtors**
18 **and other persons as needed in conducting the study and ensure op-**
19 **portunities for input from other stakeholders and the general public.**

20 **“(B) The Housing and Community Services Department may con-**
21 **tract with a third party to complete the study, or any portion of the**

1 study.

2 “(C) State and local public agencies shall comply with reasonable
3 requests from the Housing and Community Services Department, or
4 from a third party conducting the study or any portion of the study
5 under contract with the Housing and Community Services Depart-
6 ment, for information in furtherance of the study required under this
7 section.

8 “(2) The study shall address, at a minimum, the following:

9 “(a) The history and role of system development charges in sup-
10 porting residential development, including:

11 “(A) The methodologies used for setting fees, including differences
12 in methodologies and rates for communities of different sizes and
13 growth rates, stated separately for urban and rural communities.

14 “(B) Which entities, whether public or private, bear the cost of
15 system development charges and the degree to which costs are passed
16 on to homebuyers.

17 “(C) The impact of system development charges on overall housing
18 costs and affordability and the equity of housing development.

19 “(D) How system development charges compare to other housing
20 cost drivers, including, but not limited to, the costs of land, labor and
21 materials, utility rates, the costs of infrastructure and costs associated
22 with regulatory compliance.

23 “(E) The cost of carrying system development charge interest ac-
24 cording to the size and nature of the development and the potential
25 cost savings to private parties of deferring system development charge
26 fee payments.

27 “(F) The cost to public agencies of deferring system development
28 charge fee payments, including potential unintended consequences of
29 deferred payments and the need for remedies to address noncompli-
30 ance.

1 “(G) The potential costs and benefits to the public from system de-
2 velopment charge fee payment deferrals and the transfer of carrying
3 costs.

4 “(b) How the availability of funding for capital improvements as
5 defined in ORS 223.299, including federal, state, local and private
6 sources, has affected system development charge fee rates.

7 “(c) How the effects of Ballot Measures 5 and 50 on ad valorem
8 property tax rates affect rate setting for system development charge
9 fees.

10 “(d) The costs of providing capital improvements as defined in ORS
11 223.299 needed for housing.

12 “(e) The costs to public agencies of providing services needed for
13 planning, inspecting and issuing permits for housing and how the costs
14 affect system development charge fee rates.

15 “(f) With respect to transparency, the degree to which:

16 “(A) Public entities provide the public with sufficient information
17 to understand system development charges, including how fee rates
18 are set and how fee revenue is used, and whether the information is
19 easily accessible and understandable.

20 “(B) Private entities provide clear explanations to customers re-
21 garding the purposes and costs of system development charges.

22 “(3) The Housing and Community Services Department shall sub-
23 mit, in the manner provided in ORS 192.245, to the interim legislative
24 committees related to housing and economic recovery and prosperity:

25 “(a) A preliminary report, no later than December 31, 2021; and

26 “(b) A final report, no later than June 1, 2022.

27 “SECTION 2. Section 1 of this 2021 Act is repealed on January 2,
28 2024.

29 “SECTION 3. Section 4 of this 2021 Act is added to and made a part
30 of ORS 223.297 to 223.314.

1 **“SECTION 4. (1) Any city, county or special district that maintains**
2 **a public website shall include the following information on its website**
3 **in a manner that is readily accessible to the general public, for system**
4 **development charges that it assesses:**

5 **“(a) The current system development charge fee rates for each type**
6 **of development;**

7 **“(b) Details of the methodology used to determine the fee rates set**
8 **forth pursuant to paragraph (a) of this subsection;**

9 **“(c) A list of capital improvement projects that will receive funding**
10 **from system development charge fee revenue; and**

11 **“(d) Contact information for a local official responsible for answer-**
12 **ing questions about system development charges.**

13 **“(2) Any city, county or special district that does not maintain a**
14 **website shall make the information described in subsection (1) of this**
15 **section available to the general public free of charge upon request.**

16 **“SECTION 5. (1) Section 4 of this 2021 Act becomes operative on**
17 **January 1, 2022.**

18 **“(2) Notwithstanding the operative date set forth in subsection (1)**
19 **of this section, a city, county or special district may take any action**
20 **before the operative date set forth in subsection (1) of this section that**
21 **is necessary for the city, county or special district to comply with**
22 **section 4 of this 2021 Act on and after the operative date set forth in**
23 **subsection (1) of this section.**

24 **“SECTION 6. This 2021 Act being necessary for the immediate**
25 **preservation of the public peace, health and safety, an emergency is**
26 **declared to exist, and this 2021 Act takes effect on its passage.”.**

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