



PETER COURTNEY  
President of the Senate

# Senate Bill 8: Land Use Planning for Affordable Housing

## **Proposal:**

SB 8 removes various barriers to building affordable housing throughout Oregon, including easing zoning restrictions, increasing density, and allowing for attorney fees to prevailing parties to the Land Use Board of Appeals.

## **Zoning:**

Notwithstanding the zoned use of the property, in reviewing an application for the development of affordable housing, a local government may not deny the application or condition the approval on an application for a zoning or use change for the property, if:

- The property is owned by an applicant that is public body, or a nonprofit corporation that is organized as a religious corporation; or
- The property is zoned for commercial uses.

## **Density:**

Notwithstanding any statewide land use goal or land use regulation, a local government shall approve an application for the development of affordable housing at an authorized density level and authorized height level, of the greater of:

- Any local density bonus for affordable housing; or
- For property with existing density of eight or fewer units per acre, 200 percent of the existing density and one additional floor;
- For property with existing density of nine or more units per acre and 16 or fewer units per acre, 150 percent of the existing density and two additional floors; or
- For property with existing density of 17 or more units per acre, 125 percent of the existing density and three additional floors.

## **Attorney Fees**

If an applicant for the development of affordable housing or publicly supported housing is the prevailing party in an appeal heard by the Land Use Board of Appeals or on appeal from the board, the applicant is entitled to an award of costs and reasonable attorney fees.

CONTACT  
Lisa Taylor  
Office of the Senate President  
503.986.1604

March 9, 2021