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To: Senate Committee on Housing and Development; others

Re: I OPPOSE [SB 8] with extreme prejudice! [SB 8] creates a "rigged-corrupt affordable housing scam."

[SB 8]: "Restricts local governments from denying or limiting approval of affordable housing, subject to certain zoning and property ownership conditions. Establishes density standards and conditions under which local governments must approve affordable housing applications. Allows applicants developing affordable housing to obtain attorney fees in prevailing appeals before the Land Use Board of Appeals."

[SB 8] exerts: "SECTION 2. (1) As used in this section "affordable housing" means residential property: (a) In which each unit on the property is affordable to own or rent to families with incomes of 80 percent of the area median income as determined by the Oregon Housing Stability Council based on information from the United States Department of Housing and Urban Development; (b) In which the average of all units on the property is affordable to families with incomes of 60 percent of the area median income; and (c) **Whose affordability is enforceable, including as described in ORS 456.270 to 456.295, for a duration of no less than 60 years.**"

[SB 8] exerts: (A) "Applicants" include: (i) *Applicants with a funding reservation agreement with a public funder for the purpose of developing publicly supported housing*; (ii) A housing authority, as defined in ORS 456.005; (iii) A qualified housing sponsor, as defined in ORS 456.548; (iv) **A religious nonprofit corporation**; (v) **A public benefit nonprofit corporation whose primary purpose is the development of affordable housing**; and (vi) A local government who approved the application of an applicant described in this subparagraph.

[SB 8] exerts: "(4)(a) If an applicant for the development of affordable housing or publicly supported housing, as defined in ORS 456.250, 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."

[SB 8] exerts: "Attorney fees" include pre-litigation legal expenses, including preparing the application and supporting the application in local land use hearings or proceedings. (5) A party who was awarded attorney fees under subsection (4) of this section shall repay the fees plus any interest from the time of the judgment if the property upon which the fees are based is developed for a use other than the housing for which the applicant applied."

This is how the [SB 8] scam works. **Developers plot where they want to develop "affordable housing projects."** These projects can be sited in slums or the finest neighborhoods. Local governments are obligated to accommodate the developers. Anyone, including local governments can appeal the land use decisions to the Land Use Board of Appeals (LUBA). But, watch out! **The Developers can hire multiple "high-priced law firms" to run up legal expenses.** *If the Developer prevails before LUBA, the local government and or anyone who contested the development will have to pay all attorney fees and interest which by design, will be exceptionally expensive.* **What local government or citizen has the resources to gamble at LUBA? No one does. Will [SB 8] be subject to the RICO STATUTES?**

[SB 8] is the communistic taking, of property owner's equity and property values, for affordable housing of the masses.

**There are "No" Revenue, Fiscal Impact Reports and or a Budget Report.*

**There are "No" ancillary costs to identify and recover administrative fees.*

Respectfully submitted,

/s/ David S. Wall